

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, December 5, 2008
Saturday, December 6, 2008
Francisco Grande Hotel
26000 Gila Bend Highway
Casa Grande, Arizona 85293

PRESENT: (Commission)

(Director's Staff)

Chairman William H. McLean
Vice Chairman Robert D. Hernbrode
Commissioner Jennifer L. Martin
Commissioner Robert R. Woodhouse
Commissioner Norman W. Freeman

Director Larry D. Voyles
Deputy Director Gary Hovatter
Deputy Director Bob Broscheid
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman McLean called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #1 dated December 3, 2008. The Commission went directly into Executive Session.

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1. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 9:14 a.m.

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Chairman McLean called the meeting back to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman McLean introduced the Director and the Director's staff, particularly noting that the Department now has two Deputy Directors, Bob Broscheid and Gary Hovatter.

Director Voyles announced that all approvals are officially in place for the restructuring of the Department's Executive Team. The Team now has two Deputy Directors and the Chief of Staff position has been eliminated. Deputy Director Hovatter will be over Field Operations and the Information and Education Divisions, and Deputy Director Broscheid will be over the Special Services and Wildlife Management Divisions. Assistant Director Mike Senn, upon his request, will move from the Field Operations Division to the Wildlife Management Division. The position for Field Operations Assistant Director will not be filled until the end of the fiscal year, if possible, and the six Regional Supervisors will report directly to Deputy Director Hovatter.

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Awards and Recognition

Director Voyles recognized Gary Barcom and congratulated him on receiving the WAFWA 2008 Outstanding Citizen Wildlife Contributor Award. Director Voyles presented Mr. Barcom with a framed photo of the award presentation and a letter of congratulations.

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2. Litigation Report

The Litigation Report (attached to these minutes) was provided to the Commission prior to this meeting and was available to the public. There were no comments or questions on this report.

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3. State and Federal Legislation

Presenter: Simone Hall, Assistant Legislative Liaison

Ms. Hall briefed the Commission using a PowerPoint presentation on the current status of elective issues and selected state and federal legislation. The Commission was provided with informational materials related to the 49th Arizona Legislature (2009-2010) and other legislative materials (also available to the public). Ms. Hall's presentation included the following information:

- Governor Napolitano accepted the position of National Homeland Security Secretary
- Secretary of State Brewer will become Arizona's Governor and will appoint a new Secretary of State
- It is still unknown if there will be a Special Session of the Legislature beginning on December 8, 2008
- A list of new Legislative Leadership and new committee appointments were provided.

AGFD Proposed Legislation

- Waste of game meat as revocable offense - Straight-Forward Legislation Amending Section 17-340 - Language specifies wasting 'edible portions' as revocable.

The Commission was provided with the draft language for this bill (also provided to the public).

Commissioner Woodhouse requested that the words "or any compensation" be added to the proposed legislation regarding revoking a guides hunting license in the event that a guide, for pay ("or any compensation"), aids or assists in the illegal take of wildlife.

Chairman McLean added that the wording should include verbiage that allows the Department to not issue a new guide license in addition to the Commission revoking the guides hunting license.

Ms. Cutts reported that she has been working on proposed language with the Department and will provide a draft to the Commission and to Ms. Hall.

AGFD Proposed Legislation

- Aquatic Invasive Species (AIS): Representative Tobin-Majority Whip-Elect, recommends McLain to Sponsor; Representative Nancy McLain, is considering sponsorship. Provisions: Establishes a Program; Modeled after section 17-250 Wildlife Diseases, and Department of Agriculture's Title 3, Chapter 2 Regulatory Authority for Nuisance Species; Gives broad authority to Director for prevention and mitigation of damage caused by AIS.

The Commission was provided with the draft language for this bill (also provided to the public).

The Commission discussed the draft language for this bill with Department staff and the attorneys discovering a typo in Section 17-274. The word "of" should read "or" as follows: "...including appropriation of or otherwise unallocated monies from the Watercraft Licensing Fund..." Discussions also confirmed that the bill would cover a broad array of AIS issues and potential future issues as well.

Chairman McLean discussed with Ms. Cutts that unintentional violations of a negligent or reckless nature should be included as a misdemeanor. Ms. Cutts and Ms. Hall confirmed that the sponsor of the bill would not sponsor it if unintentional violations were criminalized.

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO MOVE FORWARD ON THE AQUATIC INVASIVE SPECIES ACT AFTER CHANGING THE WORD "OF" TO "OR" AS DISCUSSED (...IN SECTION 17-274. THE WORD "OF" SHOULD READ "OR" AS FOLLOWS: "...INCLUDING APPROPRIATION OF OR OTHERWISE UNALLOCATED MONIES FROM THE WATERCRAFT LICENSING FUND...").

Vote: Unanimous

Commissioner Martin noted that potential legislation for a State-level Environmental Protection Act (EPA) and the protection of Game and Fish Funds from appropriation (discussed at the September and October Commission meetings), have not been re-addressed by the Commission for further direction following the Department's analysis and reporting back to the Commission.

Commissioner Martin further briefed and discussed with the Commission that in working with the Department on the State-level EPA, it was discovered that there may be some unintentional consequences, and perhaps rather than an EPA, there may be other ways to craft some kind of permitting authority for the Department and avoid those unintentional consequences.

The Commission discussed and agreed that the timing was not right to seek legislation for Game and Fish Funds to be non-appropriated funds.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO NOT MOVE FORWARD WITH TRYING TO BROADEN NON-APPROPRIATED FUNDS.

Commissioner Hernbrode stated that he would vote aye, but added that he does not believe that Game and Fish Funds should be completely non-appropriated as it is the prerogative of the Legislature to appropriate some of those funds.

Chairman McLean stated that to the extent those funds are provided to the Department through non-legislative sources, such as licensing, federal grants and matching funds, that the Department should be able to use those funds within their parameters as needed.

Vote: Unanimous

Commissioner Martin stated that rather than a State-level EPA, she would like to explore other ways to craft legislation that creates some permitting authorities for the Department to have an impact on land use without changing the structure of the way Natural Resources work in the State and without creating an EPA.

Commissioner Freeman mentioned the co-funded positions in some counties related to planning and suggested that in the short term the Department could try to get an awareness to the communities that an opportunity like that exists. The Department could lend some expertise initially on an educational and voluntary basis to try and get this going.

Commissioner Hernbrode commented that there are some wildlife friendly guidelines that are working in that direction and providing those kinds of resources at the planning levels, and that at this point, this should be put into the context of the Director's Goals and Objectives.

The Commission was in consensus not to pursue legislation for a State-level EPA, but to continue to explore other legislation to create some more regulatory protection for wildlife and wildlife habitat in land use and land planning.

Public Comment

Suzanne Gilstrap, Arizona Sportsmen for Wildlife, informed the Commission that the Growing Smarter Legislation, adopted by the State about 10 years ago, is due to be updated and includes some planning mechanisms. Ms. Gilstrap suggested that the Commission/Department look into getting a provision in the Growing Smarter Statutes that would require an evaluation on the impact on wildlife as a component of the planning process.

The Commission discussed that this would be a good start to the legislative process and that the Department can have staff get involved and provide information and education to the communities that are now beginning to update their general growth plans.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO INVESTIGATE THE FEASIBILITY OF INSERTING WILDLIFE IMPACT LANGUAGE INTO THE GROWING SMARTER LEGISLATION, TO PURSUE IN THE NEXT LEGISLATIVE SESSION, AND TO GET THAT ANALYSIS AND DRAFT LANGUAGE BACK TO THE COMMISSION BY DECEMBER 20, 2008.

Chairman McLean questioned whether the Department would have enough time to draft the language and offered to amend the motion to “draft language to the greatest extent possible”. The amendment was accepted by Commissioners Hernbrode and Martin.

Amended Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO INVESTIGATE THE FEASIBILITY OF INSERTING WILDLIFE IMPACT LANGUAGE INTO THE GROWING SMARTER LEGISLATION, TO PURSUE IN THE NEXT LEGISLATIVE SESSION, AND TO GET THAT ANALYSIS AND, TO THE GREATEST EXTENT POSSIBLE, DRAFT LANGUAGE BACK TO THE COMMISSION BY DECEMBER 20, 2008.

Vote: Unanimous

The Commission was in consensus that depending on the outcome of the Department’s analysis, the Commission may hold a Telephonic meeting to discuss the matter.

The Commission revisited the proposed legislation for waste of game meat as a revocable offense and provided the Department with direction.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO MOVE FORWARD WITH LEGISLATION TO MAKE THE WASTE OF GAME MEAT A REVOCABLE OFFENSE AND TO INCLUDE ADDING COMMISSIONER WOODHOUSE’S REQUEST FOR THE WORDS “OR ANY COMPENSATION” REGARDING THE GUIDE LICENSE PORTION OF THE LEGISLATION.

Vote: Unanimous

Legislative Implementation – Off-Highway Vehicles

- OHV Fees: Statutorily, MVD is the agency authorized to prescribe the new fee; there have been meetings with stakeholders and MVD regarding the fee; a wide range of projected possible amounts have been discussed; still awaiting final fee amount from MVD.

Chairman McLean stated that it was absolutely clear and agreed upon by everyone working on and obtaining support for this legislation, including MVD/ADOT, that the amount was going to be between \$20-25. To go anywhere beyond that would be to go back on promises made to the sportsmen, OHV people, and all the other groups that worked hard to get this legislation done.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT DEPARTMENT STAFF TO INFORM MVD/ADOT THAT THE COMMISSION IS OPPOSED TO ANY FEE STRUCTURE THAT EXCEEDS \$25.

The Commission discussed that this may be somewhat aggressive; however, the fee structure goes into effect January 1, 2009, so the time frame is getting very short.

Director Voyles stated that the Department has been working extensively with MVD/ADOT on the issue, but appreciates the Commission’s public expression of their position and direction to the Department.

Vote: Unanimous

Congressional Business Plan

- The Commission was provided with a Department Business Plan for working on Congressional legislative matters at the federal level as requested by the Commission at the October Commission meeting (also available to the public).

Commission Legislative Representatives for the 2009 Legislative Session

The Department requested that the Commission designate two Commissioners to represent the Commission in 2009 as Legislative Liaisons and, if needed, to act on emergency legislative matters on behalf of the Commission.

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Meeting recessed for a break at 10:49 a.m.

Meeting reconvened at 11:22 a.m.

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3. (Continued) State and Federal Legislation

Presenter: Simone Hall, Assistant Legislative Liaison

Motion: McLean moved and Freeman seconded THAT THE COMMISSION VOTE TO SELECT COMMISSIONERS MARTIN AND WOODHOUSE AS ITS TWO LEGISLATIVE LIAISON COMMISSIONERS.

The Commission discussed the liaison positions and learned that Commissioner Hernbrode had an interest and thought that as the upcoming Chairman, he would and should be one of the liaisons. The Commission further discussed whether considering diversity (Republican/Democrat) was necessary as it related to the liaison positions and weighed tradition against the current political environment.

Commissioner Freeman stated that given the nature of the changes at the Legislature, he believes it's important to have diversity, and that at this time, tradition goes against the priorities and importance of the Commission's roles.

Vote: Aye - McLean, Freeman
Nay - Martin, Woodhouse
Hernbrode abstained
Failed 2 to 2

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO SELECT COMMISSIONERS HERNBRODE AND MARTIN AS ITS TWO LEGISLATIVE LIAISON COMMISSIONERS.

Vote: Aye – McLean, Hernbrode, Martin, Woodhouse
Nay- Freeman
Passed 4 to 1

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4. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

Presenter: Josh Avey, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to this meeting and is included as part of these minutes. The update addressed decisions or activities since the October 2008 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided the following additional updates:

- There was a recent meeting with the Western Governor's Association (WGA) regarding Western Renewable Energy Zones, an ongoing WGA initiative. The WGA only recently included a Wildlife Habitat Council, which Deputy Director Broscheid sits on representing the Department and the State of Arizona. The meeting emphasized a mapping effort across eleven western states to identify primary developable zones for renewable energies. The mapping is to be completed by the June/July WGA meeting.
- A Transportation Stakeholders meeting was held this week establishing those involved in how transportation efforts will be moved forward. Deputy Director Hovatter attended and will be representing the Department in those efforts.

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5. Request for Commission Approval for the Department to Acquire Buck Springs Ranch in Coconino County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The Commission was asked to approve the acquisition of Buck Springs Ranch in Coconino County for recovery of the Threatened Little Colorado Spinedace. The Buck Springs Ranch is located within the Mogollon Ranger District of the Coconino National Forest. The 40 acre property is Montane Conifer Forest ranging in elevation from 7,000 to 7,500 feet. Dane Creek runs through the southeastern portion of the property with approximately 800 feet of creek frontage. The appraised value of the property is \$680,000. In coordination with the Department, the Arizona Elk Society (AES) will acquire the lease for the associated 59,000+ acre allotment for \$175,000 and develop a Memorandum of Understanding for waiving the allotment to the Coconino National Forest.

Chairman McLean clarified with Mr. Avey that the allotment will be purchased by AES and that the acquisition of the allotment is made possible through the purchase of the base property by the

Commission. This makes AES and the Department partners with the management of almost 60,000 acres. A third element is the Forest Service which then permits, under the allotment management plan, for that land to be managed as unstocked, allowing for fences to be removed or moved and placed where necessary to protect the riparian and other areas for wildlife purposes.

Public Comment

Steve Clark, AES, addressed the Commission in support of this partnership with the Department and further stated that the grazing permit for the allotment will be discontinued and will be very difficult to get back if at some point in the future someone else purchases the lease.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE ACQUISITION OF BUCK SPRINGS RANCH IN COCONINO COUNTY FOR RECOVERY OF THE THREATENED LITTLE COLORADO SPINEDACE AND TO PREPARE AND EXECUTE A PURCHASE AGREEMENT AND AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THIS PARCEL AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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6. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Director Voyles presented all of these items to the Commission and none were deemed necessary for removal for further discussion.

a. Request for Commission Approval of the Boundary Agreement with the Wilkins' for the purpose of acknowledging the surveyed southern boundary at the Becker Lake Wildlife Area in Apache County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The Department would like to enter into a boundary agreement with the Wilkins' to acknowledge the southern boundary of the Becker Lake Wildlife Area adjacent to the Wilkins' property. There was disagreement with the Wilkins' over the surveyed boundary when the Commission purchased the Enders' parcels. The fence has been removed for a trail which has been developed at the Becker Lake Wildlife Area. The Department would like to have a signed agreement for acknowledgement of the southern boundary.

The Department recommended that the Commission VOTE TO APPROVE THE BOUNDARY AGREEMENT WITH THE WILKINS' FOR THE PURPOSE OF ACKNOWLEDGING THE SURVEYED SOUTHERN BOUNDARY AT THE BECKER LAKE WILDLIFE AREA IN

APACHE COUNTY AND AUTHORIZE THE DEPARTMENT TO EXECUTE ALL DOCUMENTS AS RECOMMENDED AND APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to Approve an Amendment to the Intergovernmental Agreement with the Town of Marana for the Purpose of Continued Development of a Habitat Conservation Plan

Presenter: Josh Avey, Habitat Branch Chief

The Arizona Game and Fish Department and the Town of Marana applied for and received approval of a Segment 2 Assistance Grant from the U.S. Fish and Wildlife Service Section 6 Cooperative Endangered Species Conservation Fund for Habitat Conservation Planning purposes. The Intergovernmental Agreement (IGA) for this grant was filed with the Secretary of State on January 2, 2007. This amendment to the IGA is required to change the manner in which the Town provides invoices for reimbursement.

In accordance with the agreement, the Town will complete an ESA Section 10 (a)(1)(B) permit application, a final Multi-species Habitat Conservation Plan, National Environmental Policy Act documentation, and a draft implementation agreement. The Town will also provide the Department with invoices for expenses incurred during the development of these documents. The Department will provide advice and technical assistance during the planning process, will reimburse the Town of Marana for eligible expenses identified in the agreement, and will participate in technical and stakeholder advisory groups. Work on this grant is proceeding according to schedule, and six of the twelve deliverables have been completed.

The Department recommended that the Commission VOTE TO APPROVE THE AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF MARANA FOR THE PURPOSE OF CONTINUED DEVELOPMENT OF THE HABITAT CONSERVATION PLAN, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL

c. Intergovernmental Agreement (IGA) Between Mohave County and the Arizona Game and Fish Commission

Presenter: Mark Weise, Development Branch Chief

The Commission was provided with a copy of an IGA written to facilitate participation between Mohave County and the Commission in the construction of one (1) weather monitoring system at water catchment #1090 – Tufa Tank. This will assist in weather monitoring across the county and allow the Department the ability to monitor precipitation and water levels at the catchment via the Internet. The weather system is part of an early alert system for the Mohave County Flood Control District. Mohave County will install and maintain the system and the Department will purchase the materials for the system (~\$5,000).

The Department recommended that the Commission VOTE TO APPROVE THE IGA BETWEEN THE COMMISSION AND MOHAVE COUNTY PENDING FINAL REVIEW BY THE DEPARTMENT'S ASSISTANT ATTORNEY GENERAL.

Motion: Chairman McLean asked the Commission to VOTE TO APPROVE ALL ITEMS (A, B AND C) ON THE CONSENT AGENDA AS RECOMMENDED BY THE DEPARTMENT.

Vote: Unanimous

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9. Call to the Public

Kerry Baldwin, representing himself, discussed with the Commission the possibility of naming the hills behind the Ben Avery Shooting Range the Bob Hirsch Hills in memory of Bob Hirsch. The process requires a five year wait from the time the individual passes away, but the Commission could go ahead and put the name into usage as part of the process. Mr. Baldwin encouraged the Commission to direct the Department to look into the idea and to bring that back to the Commission for discussion at a future Commission meeting.

The Department noted Mr. Baldwin's suggestion for a future agenda item.

Mr. Baldwin, on behalf of Pima County, further provided the Commission with an update on the Sonoran Desert Conservation Plan. Pima County just completed two acquisitions; 19,000 acres and 5,000 acres in Pima County. Historically, there have been access issues associated with these properties related to the Wetstone and the Tumacacori areas. Pima County would like to work with the Department to create some additional outdoor recreational access through these newly acquired properties to those Forest Service and State lands. Pima County is currently working with Region V on access issues, but would like to formally work with the Commission as well. Mr. Baldwin offered to come back to the Commission in 2009 with a briefing on these lands.

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Meeting recessed for lunch at 12:08 p.m.

Meeting reconvened at 1:36 p.m.

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7. Request to Approve Amendments to the Commission Approved Budget for Fiscal Year 2009 in the Wildlife Conservation Fund

Presenter: Harry Seck, Assistant Director, Special Services Division

The Commission was asked to approve additional amendments to the Fiscal Year 2009 Wildlife Conservation Fund (WCF) Budget as Approved by the Commission in June 2006 and amended in September 2007, March 2008 and June 2008. This request is necessary to ensure the Department's ability to maintain mission critical operations in Fiscal Year 2009 where projected revenue shortages necessitate making additional changes to the Commission approved budget in Fiscal Year 2009. None of these amendments would require supplemental appropriations from the Arizona State Legislature. The proposed amendments are shown below sorted by program category:

Description	Commission Approved + Carry Forward	Reductions	Amended Budget
Access	\$466,900	\$105,000	\$361,900
Administration	\$3,740,300	\$110,700	\$3,629,600
Fish Management	\$422,300	\$217,900	\$204,400
Game Management	\$500,300	\$97,900	\$402,400
Habitat Management	\$423,300	\$97,300	\$326,000
Law Enforcement	\$216,500	\$0	\$216,500
Nongame	\$722,700	\$242,800	\$479,900
Outreach	\$1,629,800	\$988,500	\$641,300
Shooting Sports	\$814,400	\$318,900	\$495,500
Water Development	\$1,050,000	\$592,400	\$457,600
Wildlife Areas Operations	\$1,292,500	\$175,800	\$1,116,700
Total Amount:	\$11,279,000	\$2,947,200	\$8,331,800

Mr. Seck discussed with the Commission a detailed list of the WCF budget reductions, provided to the Commission prior to this meeting (also available to the public), and answered questions for the Commission.

Public Comment

Suzanne Gilstrap, Arizona Sportsmen for Wildlife, expressed concerns in what appears to be a shift in the Department's funding policy, particularly in WCF. She believes the reductions are disproportionate regarding the nongame programs and that they should be more comparable across the board for all programs.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED AMENDMENTS FOR THE WILDLIFE CONSERVATION FUND FOR FISCAL YEAR 2009 AND AUTHORIZE THE DIRECTOR TO MAKE ANY NECESSARY MODIFICATIONS AS REVENUE STREAMS CHANGE.

Vote: Unanimous

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7A. Commission Attendance at Mid-Winter and Summer WAFWA Meetings

Presenter: Harry Seck, Assistant Director, Special Services Division

The Commission discussed how many and which Commissioners would attend the upcoming Mid-Winter Western Association of Fish and Wildlife Agencies, (WAFWA) Conference in January 2009.

The Commission was in consensus that Commissioner Hernbrode as 2009 Commission Chair, and Commissioner Martin as 2009 Commission Vice-Chair will attend the mid-winter WAFWA meeting.

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Meeting recessed for a break at 2:02 p.m.

Meeting reconvened at 2:09 p.m.

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10. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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9. Call to the Public

Kristen Almour, Pinetop resident, addressed the Commission regarding the license revocation case of Michael Malik, and asked the Commission if the Commissioners tag was best served by the wealthy out-of-state hunter or would it be best served by a lottery system attached to all qualified hunters applying for tags. This elk belongs to the people of Arizona and should not to be auctioned off to the highest bidder to be displayed for commercial purposes. This elk should be displayed by the Arizona Game and Fish Department to inspire future hunters, biologists and wildlife enthusiast, and to demonstrate the Department's commitment to wildlife management and the laws to protect them.

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10. (Continued) Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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12. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Ralph E. Anderson requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on revoking his licenses to hunt, fish, and trap for a period of ten (10) years, invoking a civil assessment of \$8,000, and further requiring that he complete a Hunter Education Course before obtaining any license in the State of Arizona.

Mr. Anderson was not present, but his legal counsel, Robert McCright, was present to address any questions the Commission might have.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY MR. ANDERSON'S REQUEST FOR A REHEARING.

Vote: Unanimous

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Chairman McLean stated that agenda item #11, regarding the Smith case, and the Pulliam license revocation case were related to the violation of the "no flight" Statute and Rule. There is also on the agenda an item that is a request for the Commission to open a rulemaking with regard to Article 3 Rules that includes a proposed modification to the 48 hour "no flight" Rule, which if modified may affect the Smith and Pulliam cases. Therefore Chairman McLean requested that the Commission first address that part of agenda item #13 regarding R12-4-319.

13. Request to Approve the Notice of Docket Openings and Notice of Proposed Rulemakings to Amend Article 3 Rules and additional affected rules in other articles, addressing the Taking and Handling of Wildlife.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on the proposed modifications to R12-4-319, Use of Aircraft to Take Wildlife. This would modify the existing rule to be less restrictive by allowing the use of aircraft under certain circumstances during hunting seasons.

Chairman McLean clarified that the modification would allow a person with a tag (for example, an elk tag) to fly 48 hours or more before their hunt even if there is another hunt going on (for example, an antelope hunt) at the time of the flight.

Commissioner Woodhouse stated that scouting by air during a hunt is disruptive and he would not like to see this rule changed.

Commissioner Hernbrode stated that while he does not condone the use of aircraft for a hunter to locate wildlife, the Commission needs to be careful of how the language is crafted so that it's focused on the impact the use of aircraft has on hunting and that it doesn't unduly impact other outdoor recreationists. Commissioner Hernbrode crafted the proposed language in a way to keep it focused on the direct tie between a hunter who has a tag and the use of the aircraft.

The Commission discussed whether the current Rule was too restrictive and whether it interfered with general or recreational aviation. The Commission also discussed how this might affect law enforcement efforts.

The Department's Small Game, Predator, and Furbearer Biologist, Ron Day, explained to the Commission that a pilot's activity when locating wildlife is very distinctive and people who are site-seeing don't fly in the same manner. The current Rule was put in place because of the number of complaints from people who had their hunts disrupted by someone flying.

Commissioner Hernbrode stated that he believes that R12-4-320 covers the issue of disrupting a

hunt through the definition of harassment.

Public Comment

Dave Blankenbaker addressed the Commission in support of the R12-4-319 modification.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO NOT MODIFY R12-4-319 AND TO LEAVE IT AS CURRENTLY WRITTEN.

Vote: Aye - McLean, Martin, Woodhouse, Freeman
Nay - Hernbrode
Passed 4 to 1

Ms. Stewart clarified that the modification of R12-4-319 will be removed from the packet for the Docket Opening and Notice of Proposed Rulemaking to amend Article 3 Rules.

(This agenda item was tabled)

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10. (Continued) Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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11. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Cade Smith requested that the Arizona Game and Fish Commission grant a rehearing regarding their action taken on May 16, 2008, revoking his licenses to hunt, fish, and trap for a period of five (5) years and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission's action was the result of Mr. Cade's conviction on December 5, 2007 in the Show Low Justice Court for: Locating wildlife (elk) from an aircraft during a hunt.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY MR. CADE SMITH'S REQUEST FOR A REHEARING.

Vote: Unanimous

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Meeting recessed for a break at 5:14 p.m.

Meeting reconvened at 5:28 p.m.

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13. (continued) Request to Approve the Notice of Docket Openings and Notice of Proposed Rulemakings to Amend Article 3 Rules and additional affected rules in other articles, addressing the Taking and Handling of Wildlife.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

The Commission first addressed the proposed modifications to R12-4-303. Unlawful Devices and Ammunition since there were several members of the public present regarding this item.

Ms. Stewart reminded the Commission that when the Article 3 changes go out for public comment, the public could submit a comment related to any of the rules contained within Article 3 and the Department would respond to it at that time. Ms. Stewart further briefed the Commission on the Department's recommendations: 1) Prohibiting using edible or ingestible substances to attract or take big game for the purposes of hunting; 2) more closely regulate the pursuit of bears and lions with dogs; and 3) more closely regulate the pursuit of wildlife with dogs and clarifying its meaning within current Rule.

The Commission discussed proposed R12-4-303(G): an individual who pursues wildlife with dogs shall not intentionally allow the dogs to kill the wildlife.

Public Comment

Suzanne Gilstrap, Arizona Sportsmen for Wildlife, recommended adding the definition of "continuously present" to R12-4-303(F) and eliminating R12-4-303(G) altogether.

Commissioner Hernbrode suggested that Ms. Gilstrap's organization offer some clarifying language during the public comment period.

Public Comment

Randy Spray, representing himself, opposed R-12-4-303(B) regarding baiting and expressed his concerns to the Commission.

The following houndsmen/women addressed the Commission in opposition to R12-4-303(G) and expressed to the Commission the serious impact this would have on their sport related to the chase of small game such as jackrabbit and coyote:

Suzanne Stevenson

Tice Supplee

Margaret Bohannon, Founder, Paradise Valley Beagles

Paul Delaney, President, Grand Canyon Hounds

The Commission discussed R12-4-303(G) with Department staff and discussed whether the Commission really wanted to put forth for public comment the use of hounds for the take of small game species since it has not been a real issue to date.

Director Voyles clarified that in order to allow the activities of the houndsmen/women as expressed here today, R12-4-303(G) would have to be removed.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO REMOVE R12-4-303(G).

Vote: Unanimous

The Department will analyze and derive language for R12-4-304 so it does not restrict the take of wildlife through traditional methods (ie. chase of coyotes, jackrabbits, and other furbearers or small game), but is broad enough to allow for that without creating unintentional consequences.

Motion: McLean moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO INCLUDE IN ARTICLE 3 R12-4-303(B) A BAITING PROHIBITION AS SET FORTH TO OPEN THE RULE AND SOLICIT COMMENTS

Vote: Unanimous

Ms. Stewart briefed the Commission on the remainder of this agenda item with the assistance of Ron Day, and discussed and answered questions for the Commission. The Commission was asked to approve the Notice of Docket Opening and Notice of Proposed Rulemaking to amend Article 3 Rules as well as out of cycle changes to rules 102, 106, 216, 406, 409, and a new rule 412, addressing the Taking and Handling of Wildlife. The Department proposed rulemaking changes to Article 3 rules, and other affected rules, in response to suggestions provided in the previous 5-year rule review. The report identified improvements to increase rule effectiveness, understandability, and enforcement. The following is a summary of the proposed substantive rule amendments:

R12-4-302. Use of Tags

- More accurately describe the current use of tags issued by the Department.

R12-4-303. Unlawful Devices and Ammunition

- Prohibit the use of edible or ingestible substances to attract big game for the purposes of hunting
- More closely regulate the pursuit of bears and lions with dogs.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

- Improve consistency and reduce confusion among hunters regarding the use of crossbows, and authorize the use of assisting devices when drawing a bow. R12-4-216 will be amended simultaneously to reflect this change
- Allow falconry as a legal method of take for turkeys, predators, and furbearers
- Allow the take of upland game birds with pneumatic weapons
- Identify pursuit with dogs as a lawful method of take for cottontail rabbits, tree squirrels, upland game birds, migratory game birds, predatory and furbearing animals, and nongame mammals and birds
- Prohibit hunting nongame animals and reptiles at night using a bow and arrow, crossbow, or pneumatic weapons.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO REMOVE “ALLOW FALCONRY AS A LEGAL METHOD OF TAKE FOR TURKEYS, PREDATORS, AND FURBEARERS”.

Vote: Unanimous

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

- Accurately describe the purpose and use of the Carcass/Transportation/Shipping Permit and the Transportation and Shipping Permit
- Conserve native aquatic species by creating additional opportunities for the take and removal of nonnative crayfish, and allow the sale of crayfish carcasses.

R12-4-306. Buffalo Hunt Requirements

- Provide Department employees more control during supplemental hunts to achieve management objectives.

R12-4-307. Trapping Regulations; Licensing; Methods; Tagging of Bobcat Pelts

- Prescribe regulations for powered cable devices because of advances in trapping technology
- Correctly change the name of the bobcat permit tag to the bobcat export tag. R12-4-102 will be updated to reflect this change.

R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks

- Allow the establishment of harvest objectives for all lawfully taken wildlife to improve flexibility for increasing hunter opportunity while regulating harvest
- Allow the Department to conduct inspections of any lawfully taken wildlife.

R12-4-309. Authorization for Use of Drugs on Wildlife

- Establish a new rule allowing the Department to regulate the use of drugs on wildlife and define and describe the authorization process for allowable drug use on wildlife.

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License While Taking Aquatic Wildlife

- Increase free fishing opportunities for the public and flexibility for the Department in response to changes to the Recreational Boating and Fishing Foundation, which determines National Fishing and Boating Week.

R12-4-313. Lawful Methods of Taking Aquatic Wildlife

- Allow additional methods of take for invasive aquatic species, particularly bullfrogs
- Clearly describe allowable dip nets
- Allow the take of catfish with bow and arrow in waters designated by Commission Order.

R12-4-314. Pick-up and Possession of Wildlife Parts

- Establish a new rule addressing the pick-up and possession of wildlife parts.

R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs

- Remove red shiner from the list of live baitfish that can be lawfully possessed, transported, or imported by licensed anglers.

R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles

- Establish a season for taking catfish with bow and arrow or crossbow through Commission Order.

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- Allow individuals participating in an archery-only season to possess a non-hunting handgun for personal protection
- Allow individuals participating in a “muzzleloader” season to possess a non-hunting handgun for personal protection
- Include falconry as a method of take during archery-only seasons.

In addition, the Department recommended creating a new special license under R12-4-412 to allow off-site weigh-ins at fishing tournaments statewide. R12-4-106, R12-4-406, R12-4-409, and R12-4-315 include amendments necessary to reflect the addition of this new rule. Changes recommended in the Article 1 rule review that were approved at the October meeting were also included for rule R12-4-106.

The Commission discussed R12-4-412 with Larry Riley, Wildlife Management Division Coordinator, and concluded that there may be some changes to the language considered during the public comment period.

The Notice of Docket Openings and Notice of Proposed Rulemakings were provided to the Commission prior to this meeting for consideration. If the Commission approves, these documents will be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*. The Department must file the Notice of Docket Openings at the same time to formally initiate the rulemaking process. The Department will begin to accept public comment for 30 days after the Notice of Proposed Rulemaking is published. Once the public comment period has passed, the Department will present the Notice of Final Rulemakings to the Commission for approval.

Motion: McLean moved and Freeman seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO MOVE FORWARD WITH THE NOTICE OF DOCKET OPENINGS AND NOTICE OF PROPOSED RULEMAKINGS TO AMEND ARTICLE 3 RULES, AS WELL AS OUT OF CYCLE CHANGES TO RULES 102, 106, 216, 406, 409, AND A NEW RULE 412, ADDRESSING THE TAKING AND HANDLING OF WILDLIFE; WITH THE EXEPTION OF THOSE ITEMS INDIVIDUALLY DISCUSSED; AND TO SUBMIT FOR PUBLIC COMMENT AND THEN BRING BACK TO THE COMMISSION AT THE APPROPRIATE TIME.

Vote: Unanimous

14. Request to Approve a Draft Notice of Exempt Rulemaking to Amend Rules in Article 8 Addressing Wildlife Areas and Department Property.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

The Commission was asked to approve a draft Notice of Exempt Rulemaking to amend rules in Article 8, addressing wildlife areas and Department property. The Department presented a draft Notice of Exempt Rulemaking for Article 8, addressing Wildlife Areas and Department Property, for Commission review prior to this meeting. The following is a summary of the Department's proposed rule amendments to Article 8:

R12-4-802. Wildlife Area Restrictions

- Becker Lake - Reduce the length of time posted portions are closed to the public. A nightly closure restriction is recommended at the request of local law enforcement to reduce undesired after-hours activities
- Cibola Valley Conservation and Wildlife Area - Specify conditions of public use for this newly acquired property
- Luna Lake - Amend portions closed to public entry to provide better protection for bald eagle nesting
- Upper Verde River - Amend to better manage vehicular access, prevent open fires, and clarify when a dog must be leashed.

R12-4-803. Wildlife Area Boundary Descriptions

- Include wildlife area boundary descriptions for newly acquired properties including the Cibola Valley Conservation and Wildlife Area and new properties within the Arlington Wildlife Area
- Update boundary descriptions for the Upper Verde River Wildlife Area.

If approved by the Commission, the draft Notice of Exempt Rulemaking will be submitted to the public for comment on the Department's website. The Department will review and consider all collected comments before presenting the Commission with a final Notice of Exempt Rulemaking for Article 8, addressing Wildlife Areas and Department Property, for review and approval.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE DRAFT NOTICE OF EXEMPT RULEMAKING TO AMEND ARTICLE 8 RULES ADDRESSING WILDLIFE AREAS AND DEPARTMENT PROPERTY.

Vote: Unanimous

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15. Request to Approve a Notice of Final Rulemaking and Economic Impact Statement, establishing a new Article 10 addressing Off-Highway Vehicles.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

The Commission was asked to approve a Notice of Final Rulemaking and Economic Impact Statement, establishing a new Article 10 addressing Off-Highway Vehicles, in response to legislative amendments contained in Senate Bill 1167. The following is a summary of Department proposed new rules contained within Article 10:

R12-4-1001. Minimum Standards for an Approved Educational Course

- Specifies the minimum standards for a course to be approved by the Department. Amendments to A.R.S. § 28-1175 state that the Department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics.

R12-4-1002. Course-approval Procedure

- Specifies the procedure for obtaining course approval from the Department.

R12-4-1003. Fee for An Approved Course

- Specifies that the fee for an approved course shall not exceed \$250. Amendments to A.R.S. § 28-1175 authorize the Arizona Game and Fish Director to determine in rule the fee that providers of approved off-highway vehicle safety courses may charge. Approved courses may be offered by the Department, as well as other entities, but fees charged must adhere to this requirement. A judge may order violators of off-highway vehicle regulations to complete an approved course in lieu of or in addition to a fine.

R12-4-1004. Off-highway Vehicle Sound-level Requirements

- Implements in rule the application of sound-level requirements specified in statute. A new provision, § A.R.S. 28-1179(C), authorizes the Department to make rules implementing off-highway vehicle equipment requirements. The Department has consulted with the Arizona Department of Transportation Motor Vehicle Division during the drafting of this rule.

The Article 10 Notice of Final Rulemaking and Economic Impact Statement were provided to the Commission prior to this meeting for consideration. If approved by the Commission, these documents will be submitted to GRRC for review and approval. If approved by GRRC, the Notice of Final Rulemaking will be filed with the Secretary of State's Office for publication in the *Arizona Administrative Register*.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING AND ECONOMIC IMPACT STATEMENT ESTABLISHING ARTICLE 10 RULES, ADDRESSING OFF-HIGHWAY VEHICLES FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

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8. Nongame Subprogram Activities Briefing; July 1, 2008 through December 31, 2008

Presenter: Eric Gardner, Nongame Branch Chief

Mr. Gardner provided the Commission with a PowerPoint presentation on Nongame Subprogram activities. The presentation included highlights from the detailed written briefing provided to the Commission as well significant updates that have occurred since the briefing was written. The updates and highlights included:

Federal Status Updates

- Northern leopard frog: 90-day finding due 03/10/09
- Pygmy owl: 12-month due 05/06/09
- Sonoran Desert tortoise: 90-day due 06/15/09
- Roundtail chub: status review due 06/30/09
- Hualapai Mexican vole: 12-month due 07/09/09
- Tucson shovel-nosed snake: 12-month due 09/01/09
- Bald eagle: status review due 10/12/09
- Mexican gartersnake: listing warranted but precluded on 11/25/08
- Black-tailed prairie dog: "Substantial" finding 12/02/08 – 12-month status review due 11/30/09.

Projects Highlighted

- Black-tailed Prairie Dog: 74 animals reintroduced on October 7, 2008 at Las Cienegas; One mortality documented; Next release planned in spring or fall, 2009 on BLM lands
- International & Borderlands Projects: Jaguar transfer from Sonora Mexico to the Phoenix Zoo - young male on loan for at least one year; A DNA study will be conducted to learn more about the population segment that uses southern AZ and NM as the northern extent of its range; Macho B seen again - first seen in 1996 and now estimated to be 14+ years old
- Bullfrogs: Serious threat to native ranid frog and Mexican gartersnake recovery; Two intensive, multi-agency efforts are ongoing to eliminate the bullfrogs
- Apache Trout: Currently 27 recovery streams; Goal is 30 recovery streams to delist; NFWF Funding (\$3,979,000); FY2008: \$450,000 to USFWS; FY2009: \$505,000 to AGFD; FY2010-2017: Competitive RFPs
- Fossil Creek: Delay issues finalized in November and now have a green light to continue
- Audubon's Christmas Bird Counts: Shift in ASLD approach from allowance of a Recreational permit to need for State Land Use Permit; \$100 fee + charge per person; Approximately 1,000 people (not all access state land); 1 Year exception - \$200 fee; 1987/1994 MOU authorizes AGFD work; May incorporate into Department's Volunteer Program next year.

Commissioner Martin asked about the presentation at the Governor's Smart Growth Cabinet meeting that referred to a year long effort by the Department and State Parks to define areas of conservation priorities and map recreational facilities and current and proposed open spaces, and that will be used to guide future development throughout the State. Commissioner Martin asked if there was any documentation that could be provided to the Commission that would show what the open spaces were that the Department was advocating in the context of that effort.

Deputy Director Broscheid will see that the Commission is provided with those materials.

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16. Call to the Public

There were no requests from the public to speak.

Director Voyles announced that agenda item #7B will be moved to Saturday's meeting.

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Meeting recessed for the day at 7:14 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Chairman McLean called the meeting to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman McLean introduced the Director and the Director's staff.

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(Agenda Item #7B moved from Friday to Saturday)

7B. Commission Meeting Schedule Modification for 2009 Meetings

Presenter: Harry Seck, Acting Deputy Director

The Commission discussed the possibility of holding all Commission meetings at the Phoenix Headquarters facility for 2009 in an effort to reduce costs considering the current State budget. Discussion included that holding the meetings in communities around the State and having that interface was very beneficial; however, the costs savings must be considered. Also discussed was looking for options of less expensive facilities and to maybe hold a couple of the meetings around the State. Another option could be to have the regular business meetings in Phoenix, but to hold a couple of informal get-togethers around the state where the Commission can interact with constituents.

Commissioner Freeman offered to work with the Department to make the meetings in Phoenix available for viewing online.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE THAT FOR CALENDAR YEAR 2009 THE ARIZONA GAME AND FISH COMMISSION MEET SOLELY AT THE ARIZONA GAME AND FISH HEADQUARTERS IN PHOENIX FOR THE PURPOSE OF REDUCING COSTS.

The Commission further discussed and expressed concerns about not taking the meetings into the communities around the State.

Director Voyles suggested that the Commission hold their business meetings in Phoenix, but that the Department agenda social opportunities around the State for the Commission to interact with constituents.

Amended Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE THAT IN CALENDAR YEAR 2009, THE STANDARD 10 BUSINESS MEETINGS OF THE ARIZONA GAME AND FISH COMMISSION BE HELD SOLELY AT THE ARIZONA GAME AND FISH HEADQUARTERS IN PHOENIX FOR THE PURPOSE OF REDUCING COSTS, AND THAT THE COMMISSION CONTINUE TO REACH OUT TO PUBLIC CONSTITUENCIES THROUGH DEPARTMENT COORDINATED EFFORTS AND MEET WITH CONSTITUENTS ON AN INFORMAL AND REGIONAL BASIS.

Commissioner Woodhouse suggested that the informal meetings be scheduled at the normal locations and around the same time of year as the Commission meetings would have been held.

Commissioner Freeman suggested that the Commission be sensitive to items on the agenda at the informal meetings so that the Department's infrastructure does not have to attend and incur costs.

Vote: Unanimous

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1. Statewide Shooting Range Briefing

Presenter: Jay Cook, Education Branch Chief

The Commission was provided with a Statewide Shooting Range Update prior to this meeting of Department activities related to shooting range support and development statewide. The update, also available to the public, covered activities that occurred since the October 2008 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Mr. Cook recapped several items in the Update using a Power Point presentation and discussed some of the items with the Commission.

Chairman McLean requested a map of the Utery Mountain Shooting Range. The Department will have the map in January and will provide that to the Commission.

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2. Tucson Rod and Gun Club Shooting Range Update

Presenter: Jay Cook, Education Branch Chief

The Commission was provided with an update on the Tucson Rod and Gun Club's efforts to build a non-profit public shooting range in the Tucson Area. The Club is applying for a permit

to build a non-profit public shooting range on Forest Service land northeast of Tucson. Their plan is to build a full service range to promote rifle, pistol, shotgun and archery sports and hunter education.

Public Comment

Don Saba, Tucson Rod and Gun Club, asked the Commission for a letter of support for the Tucson Rod and Gun Club.

Stan Healin, District Ranger with the Coronado Forest, addressed the Commission in support of the shooting range and the request for a letter of support.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO SEND A LETTER OF SUPPORT TO THE U.S. FOREST SERVICE CORONADO FOREST AND TO THE REGIONAL FORESTER CORBIN NEWMAN AND THE TUCSON ROD AND GUN CLUB SUPPORTING THE TUCSON ROD AND GUN CLUB'S APPLICATION FOR A SPECIAL USE PERMIT FOR A SHOOTING RANGE LOCATED IN REDDINGTON PASS ARIZONA.

Vote: Unanimous

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3. Information and Education Activities Briefing

Presenter: Ty Gray, Assistant Director, Information and Education Division

The Commission was provided with an Information and Education Program Report prior to this meeting (also available to the public), which presented new information as well as progress toward ongoing issues and concerns related to Information and Education programs. The update covered activities and events that occurred since the October 2008 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding the Department's Information and Education programs.

Mr. Gray provided the following additional updates:

- The Shooting Sports Program put in for an NRA grant and received \$25,000 to pay for firearms and equipment for SCTP and other shooting sports programs
- Next week is the Archery Trade Association's Annual Summit held in Phoenix and they have invited the Commission.

Chairman McLean and Commissioner Freeman will attend some portions of the summit.

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4. Terms of Director's Employment Contract

Presenter: Shelley D. Cutts, Assistant Attorney General

At the November 6, 2008 Commission meeting, the Commission voted to offer Director Voyles a new five-year contract to serve as Director commencing on January 21, 2009. This item was put on the December agenda for the Commission to discuss and approve the terms of the contract.

Chairman McLean confirmed with Director Voyles that he has seen the contract and that he approves and is satisfied with its content.

Chairman McLean read through the provisions of the contract for the benefit of the public.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE DIRECTOR'S CONTRACT AND THAT THE CHAIRMAN SIGN THE CONTRACT ON BEHALF OF THE COMMISSION.

Vote: Unanimous

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5. Request by Randy Carlson for Hearing to Replace a Hunting Tag

Presenter: Ron Sieg, Flagstaff Regional Supervisor

Mr. Randy Carlson requested a hearing to replace his 2008 elk tag contending that Department actions interfered with his hunt success. Mr. Carlson obtained a 2008 archery antlerless elk tag for hunt 3957 on Camp Navajo in Game Management Unit 6B through the first-come, first-service left over tag process. Therefore, no bonus points were lost. The dates for this hunt were September 12-21, 2008. Due to military training requirements, Camp Navajo restricted access and this hunt was not open during September 12-15. Mr. Carlson initiated his hunt on September 16. On September 16 and 17, helicopter elk surveys were conducted as scheduled by Camp Navajo. Mr. Carlson contends that these low level helicopter elk surveys irrevocably harmed his hunt. Mr. Carlson requested that the Commission award, at no charge, a bull elk permit (not OTC), during the rut in 2009, in a unit with an excellent chance for an opportunity at a very good bull to make up for the lost money and opportunity."

Each year, in cooperation with the National Guard, the Department conducts helicopter surveys on Camp Navajo. The Department is dependent on the National Guard providing the helicopters and pilots for these surveys. For 2008, the surveys were scheduled for the week of September 8-12 before the elk hunt, but due to last minute scheduling conflicts experienced by the National Guard, the flights were postponed until one week later. These surveys were conducted on September 16-17. The decision was made to run them on weekdays to not interfere with the weekend hunt prior to knowledge that training would exclude weekend hunting.

The timing of the flights were not determined by the Department and conducting surveys is a requirement of ongoing coordination with Camp Navajo to allow hunts within their boundaries. The scheduling of management activities on Camp Navajo is subordinate to the National Guard's primary mission activities on the grounds, and the Department is dependent on the National Guard for this scheduling.

Chairman McLean confirmed with Mr. Sieg that it is noted in the hunt regulations and on the website that increases in force protection may result in hunt cancellations at any time with little or no prior notification. In the event a hunt is cancelled, hunters drawn for these permits will not be reimbursed or otherwise compensated by the Department.

Public Comment

Randy Carlson was present and addressed the Commission regarding his request.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DENY MR. CARLSON'S REQUEST FOR AN EARLY BULL ELK PERMIT FOR ANOTHER UNIT FOR THE 2009 HUNTS.

Vote: Unanimous

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6. Update on Public Access in Southeastern Arizona

Presenter: Leonard Ordway, Tucson Regional Supervisor

Mr. Ordway and Tucson regional staff provided the Commission with an update and PowerPoint presentation on access issues in Southeastern Arizona, which included details on current Department efforts to resolve and manage varying public lands access issues. This presentation was for informational purposes only and no action was requested of the Commission. The presentation included maps of the area, maps of access matters, and the following information:

- There are well over 700 locked gates in Southeastern Arizona
- On Forest Service lands, about 100 out of 300 access points are available
- Coronado Forest is dedicated to getting 100% of Forest Service lands open to the public
- Closures are for various reasons, but trash and destruction of property are big issues
- Sportsmen are helping through programs like Hunters Who Care Clean-up Projects
- Ranchers and other landowners are benefiting from these positive relationships
- Other Department efforts included road maintenance, stewardship agreements, assistance with infrastructure, and placement of cattle guards
- There are over 25 current stewardship agreements, 11 perpetual agreements, and several more in negotiation

The Commission was also briefed on the current status of specific ranch and private landowner access issues that the Department is working on in southeastern Arizona, as well as some Department successes in gaining hunter access to Game Management Units in the area.

One new approach by the Department, relative to the northwestern portion of Unit 32, is to look at the access on a landscape scale, rather than issue by issue, and coordinate group meetings that include land management agencies, ranchers and landowners, and user groups to discuss and try to resolve the issues collectively.

Chairman McLean suggested inviting the new Pinal County Supervisor, Pete Rios, to those meetings.

Mr. Ordway informed the Commission of a new user group called the Arizona Public Lands Access Coalition that is starting a database of all the access point concerns, and will then share that information so that everyone can work together collectively with common knowledge. It's a good group with a wide diversity of user interests represented.

Public Comment

Dick King, representing himself, turned in a Speaker Card, but his question was answered during the presentation so he did not address the Commission.

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Meeting recessed for a break at 9:36 a.m.

Meeting reconvened at 10:32 a.m.

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6. (continued) Update on Public Access in Southeastern Arizona

Presenter: Leonard Ordway, Tucson Regional Supervisor

Public Comment

James Terlep, Access Trail Coordinator, Arizona Public Lands Access Coalition, stated that his organization supports the Department and Commission and would like to assist the Department in maintaining and restoring public lands access.

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7. Petition from Mr. Steven R. McCarter of Gilbert, Arizona, requesting reinstatement of his bonus points for elk as of the 2008 hunt draw.

Presenter: Rod Lucas, Mesa Regional Supervisor

The Commission was asked to consider a petition from Mr. Steven R. McCarter of Gilbert, Arizona, requesting reinstatement of his bonus points for elk as of the 2008 elk hunt draw, and that he be allowed to retain the elk antlers and hide from the animal he lawfully harvested during the muzzleloader hunt on October 2, 2008, in Unit 22S, Permit Tag 11, Hunt 3105.

On October 2, 2008, Mr. Steven R. McCarter harvested a bull elk in Unit 22 South during muzzleloader Hunt 3105. The bull elk had ear tags that read "CAUTION CONTACT AGF BEFORE CONSUMING." After contacting the Department, Mr. McCarter was informed that the meat could not be consumed due to possible tranquilizer drug residue resulting from a capture September 5-6, 2008, to remove a failed radio-collar. The Department paid the cost of

the meat processing that had occurred prior to notification and condemned and properly disposed of the carcass as prescribed by R12-4-112(A).

Since Mr. McCarter had taken the elk on the last day of his hunt, a duplicate tag could not be issued as prescribed by R12-4-112(C). Mr. McCarter asked to keep his elk antlers and hide, but wanted to know what other recourse he had. Since his carcass had been condemned, he was advised that he could lawfully keep the elk antlers and hide only if he decided not to pursue further remedy by the pursuant to R12-4-611. The second option explained for Mr. McCarter, since no remedy existed for the Department in Rule, would be for him to petition the Commission for a duplicate tag for the same hunt next year and if he did receive a duplicate tag, he would have to submit not only the carcass which had occurred, but any parts (elk antlers and hide) thereof pursuant to R12-4-112(B). Mr. Carter decided that he did not want to pursue a duplicate elk tag, but would rather petition the Commission for reinstatement of the bonus points he had compiled up to the hunt draw for elk in 2008, and because this elk had special meaning to him, also petition to keep the elk antlers and hide from the animal he lawfully harvested on October 2, 2008, Permit Tag 11, Hunt 3105.

Mr. Carter was present and discussed his circumstances and request with the Commission.

Chairman McLean explained that according to the law, the Commission cannot give Mr. Carter another tag if he keeps the antlers and hide. The most they can do is give him his bonus points back.

Mr. Carter stated that the elk held a special meaning to him and he would rather keep the antlers.

Motion: Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE MR. McCARTER'S REQUEST FOR REINSTATEMENT OF HIS BONUS POINTS COMPILED PRIOR TO THE 2008 HUNT DRAW FOR ELK, AND THAT HE BE GRANTED POSSESSION AND OWNERSHIP OF THE ELK ANTLERS AND HIDE.

The Commission commended Mr. Carter on his sportsmanship and hunting ethics.

Vote: Unanimous

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8. Call to the Public

There were no requests to speak at this time.

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9. Consideration of Proposed Commission Orders 3, 4, and 26 for 2009 Hunting Season.

Presenter: Brian Wakeling, Big Game Management Supervisor

The Commission was asked to consider Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits,

permit numbers or authorized limits, and open areas for the respective 2009 fall hunting season. A detailed description of all proposals were available for public review at all Department offices, and were provided to the Commission prior to this meeting for review. Three Regions provided the public with an opportunity to comment on their general hunt recommendation direction during a noticed public meeting in October before the recommendations were submitted to the Game Branch. These interactive meetings were attended by about 10 members of the public (3 in Pinetop, 1 in Kingman, 6 in Mesa). Each Region also hosted a public open house to review the final hunt recommendations before the Commission meeting; about 11 members of the public attended one of these six open houses.

At the August 2007 meeting, the Commission approved a two-year hunt guideline package under which hunt structures and recommendations would be formulated. Per Commission direction, these guidelines will be used through the 2010 spring seasons.

Mr. Wakeling pointed out that on the certified hunt recommendation copies there were no bonus points or hunt numbers noted, but it is the Department's intent to have those points for both the antelope and elk in the recommendation.

Mr. Wakeling briefed the Commission using a PowerPoint presentation that included charts and graphs that provided historical data and current hunt management objectives.

The following Department recommendations were presented to the Commission:

Commission Order 3 – Pronghorn Antelope (Refers to the proposed hunt season structure and permit numbers for unit by unit details)

The general season permits were recommended to increase by 21 from last year for a total recommendation of 524 permits. The archery recommendation is 381 permits, which is a decrease of 13 permits from last year. The muzzleloader seasons were recommended for 106 permits, a decrease of 7 permits from last year.

The Commission was provided with the Pronghorn Management Plan, which was revised last year. The plan is updated once every two years and reflects specific management issues and planned activities for implementation within each unit. The plan tiers from Department operational plans.

The Department received no substantial feedback from the public regarding the pronghorn hunt structures since the last hunt guideline and recommendation process.

Public Comment

Lloyd M. Wundrock, representing himself, commented on the pronghorn antelope hunt in Unit 34B, asking, for social reasons, that it be left with three tags (one in general, muzzleloader, and archery each) or go to one archery and one general the first year and the next year go to one archery and one muzzleloader tag. Mr. Wundrock believed that the herd was biologically capable of sustaining the removal of more than one pronghorn buck.

Mr. Wakeling suggested to the Commission that if they were to adjust permits in Unit 34B, it would be more equitable to offer one archery and one muzzleloader tag.

Randy Spray, Arizona Bowhunters Association, thanked the Commission and Department for putting five archery tags in Unit 7, which will be the first archery tags in Unit 7.

David Myrick, Chairman, Desert Christian Archer, thanked the Commission and Department for the archery tags in Unit 7, and asked for archery tags in some other units by possibly trading some archery tags from one unit to another where there are currently no archery tags (There are no archery tags in Units 2A, 2C, 4A, 6A, 9, 13A, 13B, 17A, 30A).

The Commission discussed with Mr. Myrick one suggestion for Unit 9. There are currently 25 rifle tags in Unit 9. Based on success rates, one rifle tag could be swapped for five archery tags from Unit 10. Mr. Myrick stated that he is not asking for a change at this point, but is putting that thought out for future recommendations.

Dick King, Arizona Bowhunters Association, thanked the Commission and concurred with Mr. Myrick's comments and suggestions.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 3 – PRONGHORN ANTELOPE AS PROPOSED; WITH THE EXCEPTION OF MODIFYING UNIT 34B TO ONE ARCHERY AND ONE GENERAL.

Vote: Unanimous

Commission Order 4 – Elk (Refers the proposed hunt season structure and permit numbers for unit by unit detail.)

Mr. Wakeling noted a recommended date change in Unit 6A for the CHAMP hunt for 10 bull elk. The original recommended season dates overlap a muzzleloader elk hunt, so the Department recommended moving those dates to one week later, November 20-26, 2009.

Elk harvest was recommended to allow limited population growth in some areas in conjunction with the Elk Management Plans, otherwise populations will be held stable or allowed to increase slightly in relationship with current environmental conditions. Limited population management zones are still targeted for reduction. This recommendation package will continue to adjust bull to cow ratios to meet or move toward management guidelines. General season permits were recommended at 16,375 permits, an increase of 465 permits from last year (the change comprises an increase of 270 bull elk permits and an increase of 195 antlerless elk permits from last year). Juniors antlerless elk permit opportunities remained unchanged at 1,335 permits (5.4% of standard opportunity; 5% of all opportunity), and archery elk permits were recommended to increase by 30 to 5,629 (the change comprises an increase of 290 bull elk permits and a reduction of 260 antlerless elk permits from last year). Muzzleloader permit opportunities were recommended to decrease by 50 permits to 1,293 (the change comprises a decrease of 50 bull elk permits and no change in antlerless elk permits from last year). It was recommended that CHAMP hunters retain the 10 antlerless elk permits, while a new bull elk CHAMP hunt with 10 permits was recommended in Unit 6A (as noted above).

The elk permit recommendations were developed in accordance with Commission direction. First, the Commission directed the Department to find opportunities to allow for elk population growth where consistent with habitat conditions. The Department recommended reductions in antlerless harvest to accommodate herd growth where possible. The Department recommended continued allocation of permits by weapon type using the Commission approved weapons allocation formula. Bull and antlerless elk harvests were allocated by sex and weapon type using five-year averages of first-choice application demand and five-year averages of hunt success by weapon type; limited opportunity hunts are excluded from this allocation determination as are the 400 archery bull permits added last year for November. The Commission directed the Department to allocate at least 5% of the total available elk permits as antlerless elk permits to juniors-only seasons to address hunter recruitment goals. The permit allocation in this package for juniors-only antlerless elk permits represents 5.4% of the total recommended standard elk permits.

Not including limited opportunity, new archery November bull permits, or juniors-only hunts, the targeted and recommended allocations for bull and antlerless elk permits were as follows:

Bull Elk:	<u>Target</u>	<u>Recommended</u>
	65% general	65% general
	31% archery	30% archery
	4% muzzleloader	5% muzzleloader
Antlerless Elk:	<u>Target</u>	<u>Recommended</u>
	78% general	78% general
	16% archery	16% archery
	6% muzzleloader	5% muzzleloader

The recommended allocation for antlerless elk permits achieves the target. Projected harvest for both bull and antlerless seasons are expected to be within one percent of targeted allocation. The Department will continue to use the harvest allocation formula to closely approximate hunter demand.

Limited opportunity hunts were recommended for minor adjustments this year, with a reduction of 65 general permits to 1,667 and a reduction of 5 archery permits to 155. No muzzleloader limited opportunity hunts were recommended.

Recommended adjustments to the over-the-counter nonpermit tag hunts for elk were also relatively minor; portions of Units 28, 31, and 32 were recommended for addition during November 20-December 31, 2009, the Verde Valley Hunt Area was recommended to shift from archery to general, the Little Colorado Hunt Area in Units 4A and 4B was reduced in size and renamed the Winslow-Holbrook Hunt Area, and the Alamo Hunt Area in Units 16A and 44A was expanded in size, with a slight shift in season dates to September 18-October 22, 2009.

The hunt recommendation package was coordinated with land management agencies, local habitat partnership committees, and the Forage Resource Study Group in Region 2. The general, muzzleloader, archery, and juniors-only permit allocations were adjusted to address the

allocation targets as noted above. Permits for bull and antlerless harvest were managed to meet management guidelines for bull to cow ratios and forage use as noted in the hunt guidelines and the Elk Management Plan.

The Commission was provided with the Elk Management Plan, which was revised last year, as a reference. This plan reflects direction provided by the Commission at their August 2007 meeting, and the hunt recommendation package is in alignment with the Plan. The plan tiers from Department operational plans.

The Department received no substantial feedback from the public regarding the elk hunt structures since the last hunt guideline and recommendation process.

Public Comment

David Myrick, ABA, thanked the Department for working with them on a survey of archers.

Dick King, ABA, reiterated Mr. Myrick's comments and added that he would not like to see any changes made to November archery season structures as a result of the survey because the hunts are experimental and there currently is insufficient data to evaluate the suitability of these hunts.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 4 – ELK AS PROPOSED WITH THE AMENDED DATES FOR THE CHAMP HUNT IN UNIT 6A TO NOVEMBER 20-26, 2009.

Vote: Unanimous

Commission Order 26 – Population Management Seasons

Population management seasons were recommended for implementation in generally the same units, seasons, and permit levels as last year. "Designated elk" or "designated buffalo" is the legal wildlife in each of the population management seasons for elk and buffalo so that the Director may designate the desired legal animal for harvest when the permits are issued. Although the Department recommended that the Commission authorize 1,125 elk (820 general, 25 HAM, and 280 archery-only), 675 javelina (310 general, 250 HAM, and 115 archery-only), 156 buffalo (all general), and 122 bear (68 general, 26 HAM, and 28 archery-only), these tags will not be issued unless approved by the Director following a determination from the population management hunt review and approval process.

No substantive public comments were received regarding Population Management Seasons since the last public process for hunt guidelines and recommendations.

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 26 – POPULATION MANAGEMENT SEASONS AS PROPOSED.

Vote: Unanimous

Director Voyles reported to the Commission that the Department was notified that its hunt recommendation process was awarded the 2008 Showcase in Excellence Award from the Arizona Quality Alliance. The Showcase in Excellence Award recognizes organizations for specific process excellence and is modeled after the Malcomb Baldrige criteria. The award will be presented at a banquet on February 10, 2009 in Scottsdale, Arizona. Director Voyles thanked Department staff and members of the public for working collaboratively together to create good solutions to providing both recreational opportunity and sound conservation.

* * * * *

10. Hunt Permit-tag Application Schedule for Winter 2009 Hunts

Presenter: Harry Seck, Assistant Director, Special Services

The Commission was provided with a brief presentation on the hunt permit-tag application schedule for the winter 2009 antelope and elk hunting seasons (attached to these minutes). The application schedule identifies the following:

- Proposed acceptance dates and deadline dates for all hunts associated with the draw process
- Proposed dates for when hunt permit-tag and refund warrants will be mailed
- And information relating to the first-com/first-serve process for any permits that may be available.

Public Comment

Dick King, ABA, proposed that the Commission give the Department direction to move the permitted archery deer hunts into the same draw cycle as elk and antelope permits.

Chairman McLean explained that Mr. King's suggestion would separate archery only applicants from other archers that would put in for some other weapon type as a second, third, fourth or fifth choice.

Mr. Odenkirk interjected that this topic was not relevant to this agenda item and could not be discussed.

Commissioner Woodhouse requested that Mr. King's request be a future agenda item.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR WINTER 2009 HUNTS AS PROPOSED.

Vote: Unanimous

* * * * *

11. Call to the Public

David Myrick, ABA, addressed the Commission regarding a letter sent to the Commission and the Department about what his organization would like to see and about what Mr. King

mentioned in the previous agenda item. Their main concern is being able to inform the hunter sooner regarding his hunt so he has time to prepare.

* * * * *

12. Director and Chairman's Report

Director Voyles reported on the following activities since the last Commission meeting:

- Attended the Anthem Trailhead Grand Opening by Maricopa County
- Met with Steve Spangle and Kirk Young regarding Section 7
- Traveled to Albuquerque to meet with Dr. Tuggle and his USFWS Staff
- Met with the Advisory Council on Historic Preservation (ACHP), including Chairman John L. Nau III and two staff members regarding the Tri-state Shooting Range
- Conducted interviews for the Deputy Director position
- Met with Arizona Department of Water Resources Deputy Director Karen Smith along with Deputy Director Broscheid
- Traveled to Prescott with the Department's legislative team and met with Candidate Steve Pierce and Congressional Candidate Ann Kirkpatrick
- Participated in a conference call with Mexico Wildlife Director Martin Vargas
- Met with Director Art Macias of the Arizona Lottery Commission
- Attended the Nature Conservancy Dinner and Awards Presentation with Chairman McLean and Commissioner Freeman
- Participated in the State Employee Charitable Campaign Shoot at Ben Avery
- Met with Jim Apperson, Director of the Governor's Office of Strategic Planning and Budgeting
- Traveled to Washington DC to participate in the AFWA / NRA meeting regarding Right to Hunt Legislation
- While in DC, met with Bob Bendick, TNC Director of Government Affairs.

Chairman McLean reported the following activities since the last Commission meeting:

- Attended the TNC banquet to receive the award
- Met a couple of time with the Governor's staff, primarily about budget matters
- Did some wildlife surveying while accompanying a friend on his hunt
- Worked on budget modifications and proposals with the Department.

Director Voyles made the observation that with the changes in Arizona government leadership resulting from Governor Napolitano's appointment to Homeland Defense Secretary, and the potential for and likelihood of changes in agency leadership and programs, he has experienced the stark reality of what it means to have the five member body of the Commission and how that Commission system works for the continuity of wildlife conservation in Arizona. The Commission system is clearly one of the core pillars and centers of gravity for the Department.

* * * * *

13. Commissioner's Reports

Each Commissioner reported on their activities since the last Commission meeting.

Commissioner Woodhouse:

- Met with Region IV and the Yuma Proving Grounds (YPG) regarding Department access issues. YPG has offered to make a presentation to the Commission regarding there mission. Commissioner Woodhouse requested that this be an agenda item for the February Commission meeting
- Participated in the Commission Work Session and Meeting in November
- Met with Director Voyles regarding that session
- Recruited a youth hunter and took him on his first camping trip and successful cow elk hunt in Unit 4A

Commissioner Woodhouse requested that the Commission acknowledge the TNC award at the Commission banquet in January.

Commissioner Martin:

- Met a couple of times with the Governor's staff, primarily about budget issues
- Participated in the November Work Session and Meeting
- Attended the Sierra Club Volunteer Recognition Luncheon
- Had various meetings with Department staff and the public
- Worked on setting up the next Conservationist Committee, which will be one week from today at the Department Headquarters
- Worked with the Department to set up the web based communication tool
- Assisted the Chair of the Mid-winter WAFWA in setting up that meeting

Commissioner Hernbrode:

- Participated in the November Work Shop and Meeting
- Went hunting for elk in Colorado and deer in Arizona
- Went quail hunting with the Director

Commissioner Freeman:

- Attended the Work Shop and Meeting in November
- Attended the TNC Award banquet
- Attended some other meetings including one with the Upper Verde River Watershed Protection Coalition
- Attended the Bubbling Ponds fish tagging event along with Chairman McLean
- Attended a meeting with ADOT and others on the Hwy 89 bypass among other things
- Developed a relationship with the Federal Aviation Administration in Scottsdale and asked if the Department could participate in their aviation conference in March by giving an educational presentation

* * * * *

14. Approval of Minutes and Signing of Minutes

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE COMMISSION MEETING MINUTES DATED OCTOBER 10-11, 2008.

Vote: Unanimous

Following approval, the Commission signed the minutes from October 10-11, 2008.

* * * * *

14. Future Agenda Items

Deputy Director Broscheid reported capturing the following action and future agenda items from this meeting:

- Presentation by the Department on the potential re-naming of the hills behind the Ben Avery Shooting Facility including the process for making that happen and propose one for soliciting potential names
- Present an overview of the draw process and present possible alternatives for the early archery deer hunters that apply and receive notification in preparation for their hunts
- Coordinate with the YPG on a presentation to the Commission on their mission and their cooperative work with the Department.

Commissioner Martin requested a presentation update on the Areas of Conservation Priority.

* * * * *

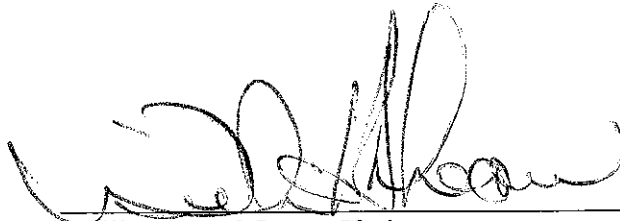
Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

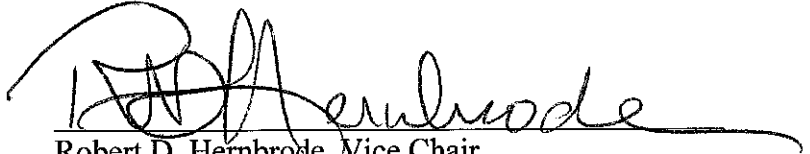
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Meeting adjourned at 12:55 p.m.

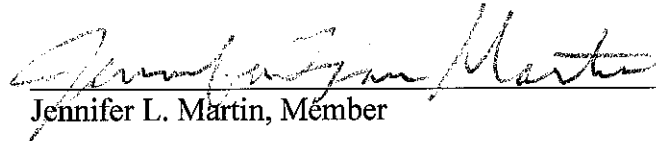
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William H. McLean, Chair



Robert D. Hernbrode, Vice Chair



Jennifer L. Martin, Member

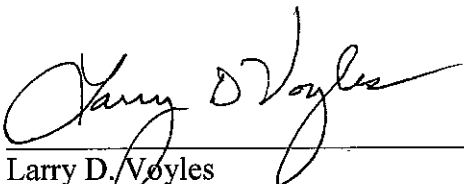


Robert R. Woodhouse, Member



Norman W. Freeman, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
December 5, 2008**

The Assistant Attorneys General for the Arizona Game and Fish Commission and the Arizona Game and Fish Department are representing these agencies in the following matters in litigation. This report does not include claims and lawsuits for damages against these agencies in which the agencies are represented by Assistant Attorneys General in the Liability Defense Section of the Attorney General's Office.

1. *Wilderness Watch, Inc. et al. v. United States Fish and Wildlife Service et al., CV01185-MHM.* Plaintiffs filed suit on June 15, 2007, challenging the decision of the U.S. Fish and Wildlife Service ("FWS") to redevelop two water structures on the Kofa National Wildlife Refuge. The water structures provide supplemental water to wildlife populations that have suffered due to persistent drought. Plaintiffs allege that these water developments violate the National Environmental Policy Act because the FWS did not first determine the environmental impact of these projects. Plaintiffs also allege that such permanent structures are prohibited by the Wilderness Act. Plaintiffs seek declaratory and injunctive relief. They are asking the court to find that the FWS violated the law and to order the FWS to remove the structures.

The Commission has voted to file an application with the court to intervene on behalf of the FWS. Any court order finding that the FWS violated federal law will impair the Commission's ability to restore the wildlife populations in the refuge and in other wilderness areas in Arizona. The Attorney General's Office anticipates that a motion to intervene will be filed by August 15th.

On August 7, 2007, the State filed its Motion to Intervene. Plaintiffs, in response to the State's motion, did not object to the State's permissive intervention, so long as the court imposes restrictions on the State's participation, such as page limits, requiring the State to file joint briefs with the other intervenors, and prohibiting the State from duplicating arguments made by the federal defendants. On August 29, 2007, the State filed a reply in support of its Motion to Intervene and opposed any restrictions on the State's intervention.

On August 20, 2007, the State also filed a response to plaintiffs' Motion for Temporary Restraining Order.

On August 30, 2007, the federal defendants filed an answer to plaintiffs First Amended Complaint.

The court has issued a scheduling order for the parties to file motions for summary judgment. The plaintiffs' motion is due December 14, 2007; the defendants' cross-motion and response is due February 1, 2008; plaintiffs' response/reply is due February 29, 2008 and defendants' reply is due March 14, 2008.

Plaintiffs have withdrawn their motion for a temporary restraining order so the status quo will remain until the court rules on the motions for summary judgment.

As for the motions to intervene filed by the State of Arizona and various conservation organizations, the court has indicated it will not likely rule on these motions prior to the time the

parties file their motions for summary judgment. The court, however, granted permission to the applicants for intervention to file motions for summary judgment. Also, the plaintiffs stated on the record that they have no objection to the State of Arizona intervening in the case.

On February 1, 2008, the State of Arizona, the federal defendants and conservation groups filed separate cross motions for summary judgment and responses to the plaintiffs' summary judgment motion.

On February 29, 2008, the plaintiffs filed a response to the cross motions for summary judgment. Defendants have until March 14, 2008, to file replies.

On March 4, 2008, the court granted the motions to intervene by the State of Arizona and the conservation groups.

On March 14, 2008, the State of Arizona and the other defendants filed replies to the plaintiffs' cross motion for summary judgment.

On April 2, 2008, the organization Public Employees for Environmental Responsibility ("PEER") filed a motion for leave to file an amicus curie brief in support of the plaintiffs' cross motion for summary judgment. At the same time, PEER lodged its amicus brief with the court clerk. Each defendant has filed a response opposing PEER's motion for leave. Not only is the motion untimely, the brief that PEER has lodged contains many additional factual assertions not included in the administrative record. This attempt to supplement the administrative record with new information violates the established law in this area.

The parties filed supplemental briefs on June 3, 2008, addressing the issue whether the Wilderness Act or the National Wildlife Refuge Improvement Act controls in this case. Oral argument on the cross motions for summary judgment took place on June 12, 2008. The court has taken the motions under advisement.

The court issued an order on September 5, 2008, denying the plaintiffs' cross motion for summary judgment and granting the defendants' and interveners' cross motions for summary judgment. Judgment in favor of the defendants was entered on September 11, 2008.

The plaintiffs filed a notice of appeal on October 29, 2008. The court entered a time schedule order on November 4, 2008. The plaintiffs (now appellants) are to file an opening brief by February 13, 2009. The defendants (now appellees) are to file a responsive brief by March 16, 2009, and any reply brief must be filed within fourteen days of the responsive brief.

(10/7/08) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
November 28, 2008
Casa Grande, Arizona

FEDERAL LAND MANAGEMENT PLANNING

Apache-Sitgreaves National Forest

The Department provided comment to the Forest (A-S) on the Draft Desired Conditions for the Apache-Sitgreaves National Forests' Revised Forest Plan. The Department recognized the vital role that lands administered by the A-S currently play in providing habitat for wildlife as well as opportunities for wildlife related recreation in north-eastern Arizona and stressed the increasing importance of these lands to wildlife as the States human population continues to grow. The Department emphasized that the Desired Future Conditions for the Revised Forest Plan need to be developed not only to address current wildlife habitat needs, but must also provide for the high quality habitat and the maintenance of wildlife connectivity both within and across A-S lands that will be required to sustain healthy populations of wildlife within a smaller and more fragmented future landscape.

Coronado National Forest

The Forest held six public meetings in Arizona to review draft proposals for revisions to the Forest Land and Resource Management Plan. Department personnel were present at all of the meetings, which were held in various locations across southeastern Arizona. Five of the meetings focused on a specific geographic area of the Forest, and one, held in Benson, was forest-wide in scope. The public has provided input to the Forest through a series of public meetings, and it is now time for the public to review and refine drafts of the revised Forest Plan components. The format of the meetings was open house, with a short presentation from the Forest. The Forest has released documents for review, including: the Ecological Sustainability Report, the Draft Social and Economic Sustainability Report, and the Draft Comprehensive Evaluation Report. The Department is reviewing these documents.

U.S. FOREST SERVICE

Apache-Sitgreaves National Forests

The Decision Notice and Finding of No Significant Impact for the 60,062 acre Sunset Restoration Project (Project) was signed by the Acting District Ranger for the Clifton Ranger District on October 31, 2008. The Project includes the application of prescribed fire over much of the project area and mechanical thinning of 2,422 acres. The project area has been divided into three burn blocks in order to facilitate the logistics of conducting a prescribed fire safely and efficiently and to achieve Project objectives. Only one block will be treated at a time with each burn block treated consecutively based on vegetation and soil recovery criteria and project implementation funding.

Department personnel conducted a partial chemical stream renovation on the West Fork of the Little Colorado River (LCR), Apache County, on September 28 to remove non-native brown trout that had re-invaded Apache trout habitat above two artificial fish barriers. The West Fork LCR was originally treated in 2006, with Apache trout re-introduced in fall 2007. Brown trout were recently found above the barriers, triggering the response to remove them before they became established and more widely distributed. Maintenance work on both barriers was completed prior to this treatment to prevent additional brown trout from invading. Electrofishing

surveys in the West Fork LCR on November 3-6 did not find any non-native trout in the treated area or further upstream where the pure Apache trout were stocked.

Department personnel continue to evaluate barriers and streams on the Forest in Apache and Greenlee counties that are important to Apache trout recovery. Multiple electrofishing surveys were conducted on Bear Wallow Creek, West Fork LCR, South Fork LCR, Conklin Creek, Coleman Creek, and Fish Creek. Barrier repairs were conducted on Conklin Creek, Bear Wallow Creek, and West Fork LCR.

Department personnel reintroduced Apache trout into the South Fork of the LCR, Apache County, on October 31, 2008. The Department built two artificial fish barriers on the South Fork in 2004-2005, and the stream was chemically treated several times in 2007-2008 to remove non-native trout in preparation for reintroduction of Apache trout. Earlier this year, the White Mountain Apache Tribe approved the Department's request to use wild, pure Apache trout from reservation streams to restock recovery streams on the Forest. 121 Apache trout were collected from Bonito Creek on the Fort Apache Indian Reservation by the US Fish and Wildlife Service and the White Mountain Apache Tribe, and stocked into two sections of the South Fork LCR above the fish barriers. This was the first of several streams to be stocked with Apache trout from the reservation.

Department personnel conducted a fish survey in Chitty Creek, Greenlee County, on September 8-10. Chitty Creek has been identified as a recovery stream for Gila trout. National Environmental Protection Act compliance (NEPA) had been completed in 2007 to allow a chemical treatment to remove non-native trout and reintroduce Gila trout. However, a wildfire in the summer of 2007 followed by heavy monsoon precipitation triggered a flood through Chitty Creek later in the year. This survey documented the destruction of fish habitat in the stream, and found no fish that survived the scouring flood, rendering Chitty Creek unsuitable at this time for Gila trout reintroduction.

Department personnel collected 138 bluehead sucker from Silver Springs at the Silver Creek Fish Hatchery and reintroduced them into Big Springs, Navajo County, on September 29. The suckers were collected during annual maintenance at the hatchery spring. The reintroduction into Big Springs is the first effort to reestablish bluehead sucker into the Show Low Creek watershed and contribute towards a conservation agreement for the species. Big Springs is located on the Forest on Walnut Creek within the town limits of Pinetop-Lakeside, and is managed cooperatively as a natural environmental area by the Forest, the Department, the Town of Pinetop-Lakeside, and the Blue Ridge School District.

Department personnel conducted fall gill netting surveys at Carnero Lake, Crescent Lake, Tunnel Reservoir, Bunch Reservoir, River Reservoir, and Becker Lake in October. The surveys at the Greer lakes (Tunnel, Bunch, River) were meant to complement the intensive angler creel surveys being conducted on these lakes throughout this calendar year. The results from the Becker survey showed that most of the larger trout have been harvested from the lake, confirming the trend identified by intensive angler creel surveys at this lake.

Coconino National Forest.

The Department attended a workshop on monitoring forest restoration projects which was sponsored by the Ecological Restoration Institute (ERI) at NAU and their sister organizations in New Mexico and Colorado. Breakout groups considered monitoring needs for forestry, understory vegetation, social and economic change and wildlife. A consolidated recommendation was then developed for general use.

Department personnel participated in a meeting to select potential locations for an ERI landscape forestry project. This project is intended to guide forestry practices on 100,000 to 500,000 acres of Forest Service land in Arizona. Forest Restoration would be the guiding principle of the project and NAU hopes it can be the first of several landscape scale projects. Two potential sites were recommended south and southeast of Flagstaff primarily on the Coconino National Forest but overlapping on the Kaibab, Tonto and Apache/Sitgreaves National Forest.

Department staff monitored a year old planting which is part of the Anderson Mesa project. Planting techniques had followed recommendations from NAU research to add seed and unburned soil to burned plot and to rake those elements into the burned soil. All the plots had plants which grew from the seed but only two of the six species seeded grew.

Department staff attended a planning meeting of the Diablo Trust where the Trust selected projects that they will apply for funding for from the Natural Resource Conservation Service (NRCS). This is noteworthy because Diablo Trust is continuing to make progress on Anderson Mesa projects benefiting wildlife habitat without further contributions from AGFD or Tag funds. The two ranches will be proposing over \$200,000 worth of habitat work to NRCS.

Coronado National Forest

The Department continues to work closely with the Nogales Ranger District on the dredging of Pena Blanca Lake. To date the contractor has nearly completed the draining of the lake and is beginning to work on the upstream sediment traps and the access road to the lake bottom while waiting for the lake bed to dry out enough to allow access for heavy equipment before beginning to actually remove sediment. The project is currently on schedule with a projected completion date of mid April 2009.

Department personnel joined Rosemont Copper company personnel for a field visit to the proposed mining site on the Forest in the Santa Rita Mountains. Rosemont personnel showed the Department the extent of the proposed mining pit, tailings and waste disposal sites. Discussions included information that will need to be addressed in the Environmental Impact Statement and potential reclamation ideas. The Department is awaiting further direction from the Forest for our involvement in the EIS process.

The Department has reviewed and made comments on the Draft Environmental Impact Statement (DEIS) for the Pinaleno Ecosystem Restoration Project prior to the public release. The Forest worked closely with the Department to develop this proposal that will address both the forest health needs and the sensitive wildlife needs. A major objective of the project is to protect and enhance the habitat of the Mount Graham red squirrel.

Kaibab National Forest

Work on the Westside Mule Deer Habitat Improvement Project (North Kaibab Ranger District) was completed in November. This work included over 300 acres of rangeland drill seeding with a suite of browse species including 4-wing saltbush, sagebrush, cliffrose, and winterfat. In addition, Plateau herbicide (pre-emergent herbicide for the control of cheatgrass) was used as a follow up in approximately 200 of the seeded acres. In addition to the regularly planned seeding and herbicide, the Department also worked with the Coconino County Environment Corp. to do some browse release treatments on the Westside. These treatments entailed hand-cutting of pinyon and juniper in areas of large stands of cliffrose in order to provide additional water resources to the cliffrose plants.

Lastly, the Department worked with the Grand Canyon Trust (the permittee) on two separate volunteer efforts within the cliffrose release treatments. The first volunteer weekend entailed raking in native grass seeds into Pinyon and Juniper woodlands in order to establish native understory and prevent cheatgrass from establishing. The second volunteer trip entailed finishing the native grass seed raking (total 80 acres), pruning cliffrose plants to increase their vigor, and wildland collection of 4-wing saltbush. In a 4-5 hour period 13 high school students were able to collect 6 large burlap bags of seed that will be used on the Westside in the Fall of 2009.

BUREAU OF LAND MANAGEMENT (BLM)

Arizona Strip Field Office

On May 9, 2008, the Record of Decision and Approved Resource Management Plan for the Arizona Strip Field Office were released to provide guidance for the management of 1,679,896 acres of BLM-administered lands in northern Arizona. The Department continues to coordinate closely with the Field Office (FO) in development of implementation-level plans, including Travel Management Plans and associated route networks.

Havasu Field Office

The Lake Havasu Field Office Record of Decision and Approved Resource Management Plan were released on July 9, 2007. The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Lower Sonoran Field Office

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

Kingman Field Office

The Kingman Field Office completed its route evaluation for the Hualapai Mountain Resource Management Unit. Results from this effort will be used in the NEPA process to produce a Travel Management Plan for the Hualapai Mountain Unit's Resource Management Plan.

The Kingman Field office is hosting, and has extended an invitation for AGFD personnel to participate in upcoming training that will focus on the NEPA process and BLM's Wilderness Management protocol. The Department will have personnel in attendance.

Safford Field Office

The Department participated in a conference call with personnel from the BLM state office, Safford Field Office, the Nature Conservancy and Logan-Simpson Design Inc. to discuss the status of the Aravaipa Ecosystem Management Plan (AEMP). Nearly all internal comments and additions have been incorporated into the draft AEMP and draft Environmental Assessment (EA). Both documents are currently being printed and should be distributed to the public for comment next month. Public meetings to review and record comments on the draft AEMP and EA are also going to be scheduled for January and possibly February.

Yuma Field Office

The Proposed Resource Management Plan and Final Environmental Impact Statement has been released to the public. The Final Resource Management Plan and Record of Decision will be issued after protest resolution. The Department continues to work with BLM on the development of subsequent implementation-level plans, including the La Posa Travel Management Plan.

Tucson Field Office

The Middle Gila Travel Management (TMP) plan is complete and will be released for 60 day public review in mid-December. The TMP will provide much needed clarification for users and for law enforcement. The Department has not seen the final plan but has commented extensively on the draft route system. The Department expects the TMP to protect the most sensitive riparian areas such as the bed of the Gila River, while leaving some valuable xeroriparian habitat open to extreme off-road vehicle (rock crawler) use. The Department has recommended closure or limitation of the intensity of use of these user-created routes in important xeroriparian canyons. The Department does not expect important hunter access to be closed or significantly restricted. This TMP, originally conceived as a seamless plan across State, Forest, and BLM lands is now restricted to BLM lands. Due to State Land Department objections, it will not show any roads crossing State land except for County RS2477 claims which provide main access to the area. Off-road travel and associated route proliferation is a rapidly increasing problem on State land in the area. Habitat degradation and dust continue to increase accordingly.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

On May 9, 2008, the Records of Decision and Approved Resource Management Plans for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments were released to provide guidance for BLM-administered lands in northern Arizona. The final plan includes a series of unique route networks and designations.

Agua Fria National Monument

The Proposed Resource Management Plans and Final Environmental Impact Statement for the Agua Fria National Monument and Bradshaw-Harquahala Planning Area were released on August 8, 2008. A 30 day protest period followed. The Department continues to work with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Las Cienegas National Conservation Area

The Department recently completed native fish surveys on the Las Cienegas National Conservation Area in cooperation with the Tucson office of the BLM. Data collected will be used to determine future management actions for the protection and expansion of Gila topminnows and Gila chub populations currently found on the LCNCA.

Sonoran Desert National Monument (SDNM)

The BLM continues to develop its preliminary preferred alternatives for the draft Resource Management Plan in association with the Lower Sonoran management area to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

Ironwood Forest National Monument (IFNM)

The Tucson Field Office (TFO) continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. The TFO has indicated they are nearing completion but continue to work on issues, including recreational shooting, before the document goes out to the public.

U.S. FISH AND WILDLIFE SERVICE

Kofa National Wildlife Refuge

The Department continues to work with the U.S. Fish and Wildlife Service (USFWS) to plan, fund, and implement actions to aid restoration of the bighorn sheep population on Kofa. The Department is serving as a cooperating agency in the preparation of an Environmental Assessment (EA) for their Mountain Lion Management Plan. The Department is working with Kofa to draft management alternatives for the EA. Efforts to capture and collar additional lions on Kofa have resumed following the summer hiatus. Fish and Wildlife Service monitoring of waterhole cameras have shown evidence of at least three lions still routinely using the Kofa Mountains Complex. Fifteen additional bighorn sheep have been collared for the ongoing monitoring studies. This brings the total number of collared animals to approximately 40. Efforts continue on a study to document and monitor body condition of bighorn sheep on Kofa. The annual bighorn sheep survey on Kofa was completed in October and the resulting population estimate was 436. This estimate is similar to the previous 2 years. Additional information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site.

The Sonoran Pronghorn Recovery Team continues to evaluate potential sites for establishing a second population in the U.S. Kofa is one of the primary sites being evaluated for this effort. The team held public scoping meetings the week of November 17th.

Department of Defense

Flagstaff Naval Observatory

Department personnel met with the Navy and other collaborators to review the past year's work and continue natural resource planning on the Naval Observatory Flagstaff Station. Last year's wildlife monitoring, erosion control and seeding projects were completed successfully. Much of the discussion centered on a forest service prescribed burn which escaped and burned on to the observatory grounds causing the observatory to be evacuated.

GENERAL UPDATES

ADOT

SR 260 Passing Lane Project

The Department attended the State Route 260 Heber to Show Low Passing Lanes meeting on October 21 with personnel from the Arizona Department of Transportation (ADOT) and the consulting firm Parsons Brinkerhoff (PB). Among the topics discussed were the locations of the proposed passing lanes. In addition to the original three proposed locations, three additional locations were briefly analyzed, partially in response to Department concerns that the original locations were within high wildlife-vehicle collision areas. Due primarily to climbing lane

considerations, ADOT decided to pursue the original three locations pending availability of funding. The Department will now work to provide ADOT with recommendations to reduce the threat of wildlife-vehicle collisions and maintain wildlife connectivity within the proposed project areas.

SR 260 Widening

The Department provided comment to ADOT on the SR 260 Heber to Show Low Alternative Selection Report (Report). The alternatives being considered would result in the widening of the existing two-lane highway between Heber and Show Low to a divided four-lane highway along most of this segment. The Department expressed concern that widening of the highway in conjunction with higher projected traffic volumes would further reduce the permeability of this roadway to wildlife movement, thereby increasing habitat fragmentation. The Department also expressed concern over the direct loss of habitat and further disturbance of wildlife resulting from vehicular traffic, as well as an increase in the incidence of wildlife mortality, and risk to the public associated with wildlife-vehicle collisions. The Department commended ADOT for including the concern over wildlife connectivity and the Department's initial recommendations to address connectivity for large bodied animals such as elk and deer in the Report. The Department advised ADOT that further considerations would be needed to accommodate less mobile smaller bodied species.

Hoover Dam/Bighorn Sheep (Milepost 2-17 Project)

In December, an ADOT contract was awarded for the SR 93, milepost 2-17 highway widening project. This project includes the installation of the Bighorn Sheep overpasses. An initial Project Partnering meeting will likely convene in December or early January. Construction will begin early in 2009, and is forecasted to be completed in approximately 2 years. In anticipation of construction, the Department has begun collaring Bighorn Sheep for pre, mid and post-construction monitoring. Department personnel and Kingman ADOT are members of the Technical Advisory Committee for the Bighorn Sheep Study and the Interdisciplinary Team for the Hoover Bypass project, as well as other key projects in the Kingman District.

Babocomari Ranch

The Babocomari Ranch and the Department are currently working on developing a Landowner/Sportsman access agreement. The final draft has not been decided upon by the Babocomari Ranch. It is hoped to have a signed agreement by the end of 2008.

Building a Quality Arizona – BQAZ

ADOT and local/regional partners have hosted a second series of community workshops across the state to present future scenarios to the community for feedback. The studies will identify the State's transportation system in the 2030-2050 timeframe. The scenarios have been developed based on input from the first round of workshops held earlier this year in March and April. The community workshops are designed to encourage participation from local communities, and this is the only venue where the Department has had the opportunity to be engaged in the planning process. The Department is therefore attending as many of these workshops as possible. The Department attended workshops in Coolidge, Sierra Vista, Safford, and Nogales. The workshops presented three alternative transportation futures for central and eastern Arizona ranging from a "Personal Mobility" (sprawl) focus on one end and a "Focused Growth" on the other. The Department will be commenting on each framework focus area. Once this comment period has ended, BQAZ will initiate a statewide planning process where all frameworks will be joined to form a statewide frame. The Director's Office is currently exploring the possibility to get the Department placed on an identified oversight committee for the BQAZ process, but the outcome of this effort is still unclear at this time.

Chino Valley Bypass

Department personnel continue to cooperate with the Central Yavapai Metropolitan Planning Organization (CYMPO) in the feasibility study for the Chino Valley Bypass, Fain Connector and related projects. This is the first step in many years of work, to produce plans for a new roadway or realignment. To date, communication between AGFD, CYMPO, ADOT and interested NGO's (*TNC*) has been constructive - with CYMPO and its engineering consultants being interested, receptive to, and actively soliciting AGFD project guidance. On November 12th, CYMPO hosted its final Public Open-House, show-casing their current project proposals with the public. After reviewing public comments, CYMPO will announce their preliminary preferred project alignments in December, at that time seeking final input from the Corridor Study Team on which we have a seat. A final White Paper outlining their findings will be made public sometime early in 2009. It is likely that at the conclusion of the current study, CYMPO will seek ADOT's support for development of a Design Concept Report (DCR) and appropriate (NEPA) environmental research and documentation. It is during this phase in developmental planning (*often 2+ years*), that by being a member of the Technical Advisory Committee, stakeholder agencies' cares, concerns, and mitigation recommendations are incorporated into a build proposal called the DCR. During this process, an Federal Highway Administration (FHWA) Environmental Program Manager and ADOT District Environmental Coordinator provide oversight in the NEPA process. When the DCR (*with a cost estimate - including mitigative efforts*) is completed, ADOT may then evaluate the plans for funding and inclusion in the 5-Year Plan. The next funding cycle will be for the 2014-2018 Plan. If funding is approved, a project goes out to bid, a contract is awarded to a consulting group, and they begin the long process of producing Design Plans. The development of Design Plans can take 1½ - 2 or more years to produce, progressing through the submittal and approval of 30%, 60%, 95%, and Final Design Plans. In other, similar projects, Department personnel participate on Project Interdisciplinary Teams that negotiate, review, and approve increasingly more precise plan submittals, until Final Design Plans are completed. At every stage in the process - which in many cases can take 5-10 years, AGFD personnel have the opportunity to be involved and influence plans for a proposed roadway. In the case of the Chino Bypass/Fain Connector project, AGFD personnel have been involved since the project's inception - raising awareness of the wildlife and habitat resource values at stake within the proposed project footprint. This involvement has set the stage, so that as the planning process unfolds, and if further action is funded, Department concerns and mitigation recommendations will have to be addressed in the NEPA analysis, development of the DCR and Final Design Plans. Department personnel will continue to be involved in the project, anticipate continued cooperation with CYMPO and ADOT, and will elevate awareness if the process begins to deviate from progress toward desired outcomes.

Chiricahua leopard frog, Safe Harbor Release

On November 17, Department personnel released seven federally-listed Threatened Chiricahua leopard frogs into the Safe Harbor Pond Site on private property near Concho. The federal Safe Harbor Agreement is a novel process that encourages private landowners to recover endangered species on their lands, without property use restrictions that are usually associated with endangered species. This is the first ever release of the native Arizona frog into a Safe Harbor site. The Department's Landowner Incentive Program was instrumental in completing this project by funding a well-water delivery system and renovation of an old pond. The private landowners provided a 25% match through donation of labor and materials. The released frogs were propagated at the Region I Chiricahua Leopard Frog breeding facility.

City of Coolidge Annexation

The intergovernmental agreement (IGA) between the Department and the City of Coolidge to allow hunting with firearms within the city limits in designated areas was approved by the Commission and has been sent to Coolidge for signatures. The IGA is still moving through the final approval process at the City. City staff have expressed that the IGA is on track and they anticipate no problems.

City of Flagstaff

After two years of negotiation, the City of Flagstaff has been awarded their contract with the Arizona Water Protection Fund to restore natural meanders and riparian wildlife habitat in Picture Canyon, northeast Flagstaff. To ensure adequate water for the life of the project, the Water Protection Fund has made the contract contingent upon finalization of the Bow and Arrow Cooperative Agreement between the City and the Department. The Bow and Arrow Cooperative Agreement would exchange a 3-acre, Department-owned property for 20 years of effluent discharge at 200 gallons-per-minute into the Rio de Flag for the purposes of riparian habitat restoration. Delays in finalization to this agreement are due to some difficulties in the City's legal offices, but the City is expecting to bring the final agreement before City Council in January or February 2009.

City of Flagstaff and Coconino County

The City of Flagstaff and Coconino County are kicking off their revision of the Flagstaff Regional Land Use and Transportation Plan. This is a joint document used by both jurisdictions to guide land use in the region that stretches west from Bellmont east to Doney Park, and from north of the San Francisco Peaks south to Kachina/Mountainaire. This area encompasses some significant wildlife habitats and movement corridors in the wildland-urban interface. The Department has been invited to participate on the Core Planning Team, which is comprised of City and County Planners and is responsible for guiding the planning process and writing the document. This will afford the opportunity to input wildlife goals and policies, specific habitat and corridor information, urban wildlife conflict reduction, and open space objectives directly into the planning process. Planning begins in early 2009, with voter approval in 2011 and City/County adoption in 2012.

Coconino County

As a result of changes to the 2008 Farm Bill, the Natural Resources Conservation Service has been forced to renege on its Wetland Reserve Program (WRP) agreement with Coconino County to purchase a conservation easement of 108 acres of wetland and uplands at the Coconino County Pumphouse Greenway Open Space Park. Coconino County Parks and Recreation is concerned that wildlife habitat values at the park are not afforded enough protection from their own Public Works Department's stormwater retention planning or from non-conforming public uses such as OHV riding in the wetland and residential property encroachment. The Department partnered in the facilitation of the WRP easement, and is now working with Coconino County to identify new solutions to their growing conservation concerns. Pumphouse Greenway is a large, spring-fed wetland and a great Watchable Wildlife site, with State Parks-funded wildlife-viewing amenities planned for construction in 2009.

Lake Powell Pipeline Project

The Department continues to be engaged in the planning for the Lake Powell Pipeline project. This pipeline will come out of Lake Powell and deliver water to Kanab, Cedar City, and St. George UT. A portion of the pipeline lies within AZ. Study plans are currently underway for general wildlife, threatened and endangered species, Water Quality, and a host of others. These plans will set the stage for the types of studies that will occur with respect to the effects on the

environment from the construction, maintenance, and operation of the pipeline. The Department has worked with consultants on the project and continues to provide wildlife information.

Pima Regional Transportation Authority (RTA)

The Department holds a voting seat and has been participating on the RTA Wildlife Linkages Sub Committee which reviews proposals for research and construction using RTA monies. Currently funding is limited to projects tied directly to road construction projects.

Pinal County

The Department submitted extensive comments on Pinal County's August Draft Comprehensive Plan. The County has issued a second draft. The Department is reviewing this draft and finding that few or none of our comments were incorporated or addressed in the revised draft. The Department will reiterate unaddressed comments as well as commenting on any new components. The latest draft will have to be approved by the Pinal County Board of Supervisors, of which two of the three seats changed as a result of the election.

Maricopa County

The Department is currently participating on the Technical Advisory Committee for the Turner Parkway Corridor Feasibility Study. The proposed parkway would provide a north/south transportation route between I-10 and SR 74, through future developments immediately east of the Hassayampa River. The parkway corridor is currently proposed west of the White Tank Mountains and east of the existing Sun Valley Parkway and would fragment Linkage 65, White Tanks to Hassayampa River, identified in *Arizona's Wildlife Linkages Assessment*. In 2007, the Department initiated a study on mule deer movement patterns within the White Tank Mountains in anticipation of planned Sun Valley Development across 183 square miles of Sonoran Desert habitat west of the mountains. The study was partially funded by Landowners West of the White Tank Mountains. After 1 year of monitoring movement patterns, Department researchers have determined that the existing Sun Valley Parkway poses a significant barrier to mule deer movement. The future construction of the proposed Turner Parkway parallel to the Sun Valley Parkway, and future urban development will further restrict wildlife movement and isolate wildlife populations within the White Tank Mountains. The mule deer movement research has provided valuable information on the location of potential corridors that could maintain habitat connectivity between the White Tanks and wildland blocks north, west and southwest of the mountains. The Department is working with Maricopa County Department of Transportation (MCDOT) to incorporate the corridors into their transportation designs for the Turner Parkway. The next stages of planning will include the Environmental Overview, Drainages Overview and development of Turner Parkway Corridor alternatives. The success of maintaining linkages and wildlife movement from White Tank Mountains to surrounding wildland blocks is complex and hinges on the Department's ability to influence flood control planning, General Land Use Plans for Buckeye and Surprise, in addition to working with private developers.

Maricopa County Flood Control District

The Department is currently working with Maricopa County Flood Control District on the Whitman Area Master Drainage Plan. The plan encompasses the Trilby watershed, 307 square miles, bounded by the Hieroglyphic Mountains on the north, the White Tanks Mountains and McMicken Dam on the south, Beardsley Canal and the Agua Fria River on the east and the Hassayampa River basin on the west. Flood control designs within this area pose an opportunity for protecting wildlife movement corridors that could maintain connectivity between the White Tanks Mountains and wildland blocks to the north. Research on mule deer movement patterns within the White Tanks provides evidence that several washes within the planning area are frequently used by mule deer traveling north from the White Tank Mountains. The Central

Arizona Project (CAP) corridor is a significant barrier to wildlife movement further north, but also provides an opportunity for an east/west corridor through the planning area between the Hassayampa River and the Hieroglyphic Mountains. The Department is recommending flood control solutions that maintain natural landscapes and maximize the size of undeveloped floodplains. The Department will also have to work with City of Surprise planners to incorporate open space designs into the General Land Use plan that align with the intent to protect wildlife movement corridors within the landscape of the future urban development.

Maricopa County Ordinances P-28 and P-27

Department Personnel continue to work with Maricopa County Air Quality Department (MCAQD), Sheriff's Office (MCSO), County Parks, Arizona State Parks, Arizona State Land Department, the US Forest Service, and the Bureau of Land Management on implementation of the recently enacted P-28 and P-27 Ordinances. These strict liability ordinances are designed to address dust abatement issues in unincorporated Maricopa County by making operation or parking of vehicles on lands other than roads (as defined in ordinance) unlawful. In late June the Department met with the MCAQD and the MCSO to draft a policy allowing hunters and anglers access and parking privileges on some of the non-exempted properties in unincorporated Maricopa County. This policy is still under review by the County's legal staff. The Department received another draft of the policy on November 11th, 2008 and found that it exclusively dealt with farm and agricultural roads and does not adequately address the issues of travel on Arizona State Land properties. This is due to the fact that P-28 sets the standard for a road as either publicly maintained, a designated or open trail system, service road, or property that is reserved for public or private street uses, as evidenced by a recorded document or easement for such use. The majority of ASLD roads lawfully utilized through rule does not meet this definition, and therefore, are closed to motorized travel. The Department will continue to work with the MCAQD and the MCSO on the finalization of the policy. On September 30th 2008, the MCQAD conducted a workshop to revise ordinances P-28 & P-27. The Department attended this meeting, and made comments. On October 17th, 2008 the Arizona Game and Fish Commission sent a letter to MCAQD addressing concerns with ordinances P-28 and P-27. Since that time Lawrence Odle was named the new Director of the MCAQD. Department personnel have been informed that the new Director is evaluating the Commission's letter and is crafting a response to it.

Statewide Collaboration in Urban Planning

The Department displayed a 'Wildlife Planning Tools' booth at the Arizona Planner's Association Conference in Yuma on November 6. Included in the planning toolbox were draft maps of the Species of Greatest Conservation Need from the ACP mapping effort, the Arizona Wildlife Linkages Assessment, the AGFD Environmental On-line Tool, and information about Living with Urban Wildlife and Watchable Wildlife in Arizona. The Department received a very favorable response from planners attending the conference and established several new contacts with city and town planners from Regions 3, 4, and 6. The 2009 APA Conference will be October 14-16 in Prescott Valley.

Rose Tree Ranch

The Rose Tree Ranch, located along the western edge of the Mustang Mountains has contacted the Department for assistance in developing and locating funds to construct a water line that would furnish two yearlong waters to an existing pasture on State Trust Lands. The Department is working up a Habitat Protection Conservation (HPC) Grant proposal and should have it completed by the middle of December. This project would not only assist in better dispersal of livestock, but would provide wildlife with yearlong water in an area that currently has limited water availability. Livestock are only grazed in this pasture, which encompasses approximately

166 acres, for a period of 30 days per year, but the ranch practice is to keep all waters available yearlong.

Roundtail chub brood stock attempt

Department personnel collected approximately 30 young-of-year roundtail chub from lower Chevelon Creek, Coconino County, on September 22-24, and transported them to a propagation facility at the Silver Creek Hatchery. This effort is an attempt to establish a brood stock of roundtail chub in order to produce roundtail that can be used to establish new and supplement existing populations in the Lower Colorado River (LCR) watershed. Roundtail chub populations are extremely reduced in this watershed with only two populations persisting in low numbers in Chevelon Creek and Clear Creek. However, the roundtail chub which had been transported to the Silver Creek facility suffered a pathogen outbreak and eventually all died. Biologists will be developing a detailed plan that will outline roles and responsibilities, pathogen treatment, feeding and monitoring, and other details that will help to avoid the problems that were encountered during this attempt to bring roundtail chub into captivity.

Wildlife Friendly Guidelines

The Department is in the process of developing guidelines that are intended to provide community planners and developers information and tools to accommodate population growth while protecting wildlife habitat. They serve as a general reference for wildlife information, steps to take during planning, and Department recommendations. These guidelines are intended to be updated periodically with the most recent information, and will be posted on the Department's website. This document will be referenced in the Governor's Smart Growth Scorecard, and will provide an important opportunity for the Department to facilitate statewide wildlife conservation efforts and coordination in light of Arizona's continuing population growth and community development. The draft guidelines are provided as an attachment.

Hunt Permit-tag Application Schedule – Winter 2009

Hunt permit-tag applications will be accepted and processed in accordance with R12-4-104 and R12-4-114 and this schedule.

Drawing

	ACCEPTANCE DATES ¹	CORRECTION PERIOD ²	DEADLINE DATES ³	
HUNT	Applications accepted on or after:	Deadline 5 p.m. (MST) in Department offices	Deadline 7 p.m. (MST) in Department offices on:	Hunt permit-tags and refund warrants mailed out by:
Antelope	(See note 1)	Jan. 22, 2009	Feb. 10, 2009	April 24, 2009
Elk	(See note 1)	Jan. 22, 2009	Feb. 10, 2009	April 24, 2009

First Come ⁴

	Applications accepted by mail only on or after:
HUNT	ACCEPTANCE DATES
Antelope	April 27, 2009
Elk	April 27, 2009

Notes:

- The Department will accept Hunt Permit-tag Applications for big game listed above as soon as the applicable year hunt information is available on the Department's Web site (www.azgfd.gov), or from any Game and Fish Department office or license dealer, unless otherwise noted in the Hunt Permit-tag Application schedule.
- If a paper Hunt Permit-tag Application that is submitted contains an error and is received by Jan. 22, 2009, the Department will make three attempts within a 24-hour period to notify the applicant by telephone (if a phone number is provided).
- Department offices at Flagstaff, Kingman, Mesa, Phoenix, Pinetop, Tucson and Yuma will close for business at 5:00 p.m. (MST); completed applications will be accepted at these locations until 7:00 p.m. (MST) on deadline days. No applications will be accepted after this time regardless of the postmark. Deadline dates may be extended in the event of a Department related system failure.
- First come permits are issued if available and will sell very quickly. Applicants are advised to check with the Department before submitting an application for leftover permits. A listing of leftover permits is available by telephone at (623) 236-7702, or online at www.azgfd.gov.